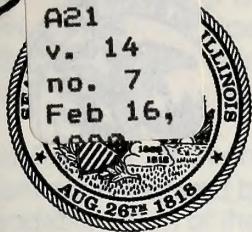


Reserve
KFI
1235
A21
v. 14
no. 7
Feb 16,



JIM EDGAR
Secretary of State

VOLUME 14
ISSUE 7

A WEEKLY
PUBLICATION

FEBRUARY 16
1990

Pages 2419-2720

Secretary of State
Administrative Code Div.
201 West Monroe
Springfield, IL 62756

(217) 782-9786

ILLINOIS REGISTER

KFI 1235 .A21
v. 14
no. 7
Illinois register
Received on: 02-22-90

Rules of Governmental Agencies

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Printed by Authority of the
State of Illinois
February 1990 - 890 - GA-1001

INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1990

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990	June 26, 1990	July 3, 1990	28	July 13, 1990
Dec. 26, 1990	Jan. 2, 1990	2	Jan. 12, 1990	July 3, 1990	July 10, 1990	29	July 20, 1990
Jan. 2, 1990	Jan. 9, 1990	3	Jan. 19, 1990	July 10, 1990	July 17, 1990	30	July 27, 1990
Jan. 9, 1990	Jan. 16, 1990	4	Jan. 26, 1990	July 17, 1990	July 24, 1990	31	Aug. 3, 1990
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Jan. 30, 1990	Feb. 6, 1990	7	Feb. 16, 1990	Aug. 7, 1990	Aug. 14, 1990	34	Aug. 24, 1990
Feb. 6, 1990	Feb. 13, 1990	8	Feb. 23, 1990	Aug. 14, 1990	Aug. 21, 1990	35	Aug. 31, 1990
Feb. 13, 1990	Feb. 20, 1990	9	Mar. 2, 1990	Aug. 21, 1990	Aug. 28, 1990	36	Sept. 7, 1990
Feb. 20, 1990	Feb. 27, 1990	10	Mar. 9, 1990	Aug. 28, 1990	Sept. 4, 1990	37	Sept. 14, 1990
Feb. 27, 1990	Mar. 6, 1990	11	Mar. 16, 1990	Sept. 4, 1990	Sept. 11, 1990	38	Sept. 21, 1990
Mar. 6, 1990	Mar. 13, 1990	12	Mar. 23, 1990	Sept. 11, 1990	Sept. 18, 1990	39	Sept. 28, 1990
Mar. 13, 1990	Mar. 20, 1990	13	Mar. 30, 1990	Sept. 18, 1990	Sept. 25, 1990	40	Oct. 5, 1990
Mar. 20, 1990	Mar. 27, 1990	14	Apr. 6, 1990	Sept. 25, 1990	Oct. 2, 1990	41	Oct. 12, 1990
Mar. 27, 1990	Apr. 3, 1990	15	Apr. 13, 1990	Oct. 2, 1990	Oct. 9, 1990	42	Oct. 19, 1990
Apr. 3, 1990	Apr. 10, 1990	16	Apr. 20, 1990	Oct. 9, 1990	Oct. 16, 1990	43	Oct. 26, 1990
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Apr. 17, 1990	Apr. 24, 1990	18	May 4, 1990	Oct. 23, 1990	Oct. 30, 1990	45	Nov. 9, 1990
Apr. 24, 1990	May 1, 1990	19	May 11, 1990	Oct. 30, 1990	Nov. 5, 1990	46	Nov. 16, 1990
May 1, 1990	May 8, 1990	20	May 18, 1990	Nov. 5, 1990	Nov. 13, 1990	47	Nov. 26, 1990 (Mon.)
May 8, 1990	May 15, 1990	21	May 25, 1990	Nov. 13, 1990	Nov. 20, 1990	48	Nov. 30, 1990
May 15, 1990	May 22, 1990	22	June 1, 1990	Nov. 20, 1990	Nov. 27, 1990	49	Dec. 7, 1990
May 22, 1990	May 29, 1990	23	June 8, 1990	Nov. 27, 1990	Dec. 4, 1990	50	Dec. 14, 1990
May 29, 1990	June 5, 1990	24	June 15, 1990	Dec. 4, 1990	Dec. 11, 1990	51	Dec. 21, 1990
June 5, 1990	June 12, 1990	25	June 22, 1990	Dec. 11, 1990	Dec. 18, 1990	52	Dec. 28, 1990
June 12, 1990	June 19, 1990	26	June 29, 1990	Dec. 18, 1990	Dec. 24, 1990	1	Jan. 4, 1991
June 19, 1990	June 26, 1990	27	July 6, 1990	Dec. 24, 1990	Dec. 31, 1990	2	Jan. 11, 1991

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

1) HEADING OF THE PART: Sport Fishing Regulations for the Waters of Illinois

2) CODE CITATION: 17 Ill. Adm. Code 810

3) SECTION NUMBERS: PROPOSED ACTION:

810.70

Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.4, 1.5, 1.10, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.12, 3.14, 3.18, 3.19, 4.11, 5.1, 5.7, and 6.1 of the Fish Code of 1971 (Ill. Rev. Stat. 1987, ch. 56, pars. 1.4, 1.5, 1.10, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.12, 3.14, 3.18, 3.19, 4.11, 5.1, 5.7, and 6.1)

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUED INVOLVED:
This Section is being amended to change the dates for "Free Fishing Days" in Illinois to the 1990 dates.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART?

Section Numbers	Proposed Action	Illinois Register Citation
810.10	Amendments	14 Ill. Reg. 491, 1/12/90
810.20	Amendments	14 Ill. Reg. 491, 1/12/90
810.30	Amendments	14 Ill. Reg. 491, 1/12/90
810.40	Amendments	14 Ill. Reg. 491, 1/12/90
810.100	New Section	14 Ill. Reg. 491, 1/12/90

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

ILLINOIS REGISTER

ILLINOIS REGISTER 2422
90

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFEPART 810
SPORT FISHING REGULATIONS FOR THE WATERS OF ILLINOIS

Section	
810.10	Sale of Fish
810.20	Snagging
810.30	Pole and Line Fishing Only
810.40	Daily Catch and Size Limits
810.50	Bait Fishing
810.60	Bullfrogs
810.70	Free Fishing Days
810.80	Emergency Protective Regulations
810.90	Tagged Fishing Tournament Permit

AUTHORITY: Implementing and authorized by Sections 1.4, 1.5, 1.10, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.12, 3.14, 3.18, 3.19, 4.11, 5.1, 5.7, and 6.1 of the Fish Code of 1971 (Ill. Rev. Stat. 1987, ch. 56, pars. 1.4, 1.5, 1.10, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.12, 3.14, 3.18, 3.19, 4.11, 5.1, 5.7, and 6.1)

SOURCE: Adopted at 5 Ill. Reg. 751, effective January 8, 1981; codified at 5 Ill. Reg. 10647; amended at 6 Ill. Reg. 342, effective December 23, 1981; amended at 6 Ill. Reg. 7411, effective June 11, 1982; amended at 7 Ill. Reg. 209, effective December 22, 1982; amended at 8 Ill. Reg. 1564, effective January 23, 1984; amended at 8 Ill. Reg. 16769, effective August 30, 1984; amended at 9 Ill. Reg. 2916, effective February 26, 1985; emergency amendments at 9 Ill. Reg. 3825, effective March 13, 1985, for a maximum of 150 days; emergency expired August 10, 1985; amended at 9 Ill. Reg. 6181, effective April 24, 1985; amended at 9 Ill. Reg. 14291, effective September 5, 1985; amended at 10 Ill. Reg. 4835, effective March 6, 1986; amended at 11 Ill. Reg. 4638, effective March 10, 1987; amended at 12 Ill. Reg. 5306, effective March 8, 1988; emergency amendments at 12 Ill. Reg. 6981, effective April 4, 1988, for a maximum of 150 days; emergency expired September 1, 1988; emergency amendments at 12 Ill. Reg. 10525, effective June 7, 1988, for a maximum of 150 days; emergency expired November 4, 1988; amended at 12 Ill. Reg. 15982, effective September 27, 1988; amended at 13 Ill. Reg. 8419, effective May 19, 1989; emergency amendments at 13 Ill. Reg. 12643, effective July 14, 1989, for a maximum of 150 days; emergency expired December 11, 1989; emergency amendments at 13 Ill. Reg. 14085, effective September 4, 1989, for a maximum of 150 days; emergency expired February 1, 1990;

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

emergency amendments at 13 Ill. Reg. 15118, effective September 11, 1989, for a maximum of 150 days; amended at 14 Ill. Reg. _____, effective _____.

Section 810.70 Free Fishing Days

During the period of June 9, 10, 11 and 12, 1988, 9, 10 and 11, 1990, it shall be legal for any person to fish in waters wholly or in part within the jurisdiction of the State, including the Illinois portion of Lake Michigan, without possessing a fishing license or salmon stamp.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Payment of Benefits

2) Code Citation: 56 Ill. Adm. Code 2830

<u>Section Number:</u>	<u>Proposed Action:</u>
2830.10	New Section
2830.300	New Section
2830.305	New Section
2830.310	New Section
2830.315	New Section
2830.320	New Section
2830.325	New Section
2830.330	New Section
2830.335	New Section
2830.340	New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 48, pars. 400, 404, 610 and 611.

5) A Complete Description of the Subjects and Issues Involved:
The amended rules provide the public with the procedures for requesting the replacement of a previously issued benefit check. They also provide recourse when the Agency refuses to reissue such a check.

6) Will the proposed amendment replace an emergency amendment currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain an incorporation by reference pursuant to Section 6.02 of the Illinois Administrative Procedure Act? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objective? Not Applicable.

11) Time, Place and Manner in which interested persons may comment on this Proposed Rulemaking: All persons who submit a request to comment regarding this proposed amendment within 20 days after this notice has been published in the ILLINOIS REGISTER will be given a reasonable opportunity to submit data, views, arguments or comments. The request shall be addressed to:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

Stella Adams Cuthbert, Commissioner
Illinois Department of Employment Security
401 South State Street - 2nd Floor South
Chicago, IL 60605
312-793-4240

12) Initial Regulatory Flexibility Analysis:

Date rules were submitted to the Small Business Office of the Department of Commerce and Community Affairs: February 2, 1990.

Types of small businesses affected: These rules have no direct effect on businesses.

Reporting, bookkeeping or other procedures required for compliance: None.

Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendments appears on the next page.

DEPARTMENT OF EMPLOYMENT SECURITY

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER e: RIGHTS AND DUTIES OF EMPLOYEES

PART 2830
PAYMENT OF BENEFITS

SUBPART A: GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section
2830.10

Mailing Address For Benefit Checks

Section 2830.10 Mailing Address For Benefit Checks

SUBPART B: PAYMENT TO DECEASED CLAIMANTS

2830.200 Payment Of Benefits Due A Deceased Claimant
2830.205 Order Of Payment To Survivors Of A Deceased Claimant
2830.210 Payment To A Minor Survivor Of A Deceased Claimant
2830.215 Time And Manner For Claiming Benefits Due A Deceased Claimant
2830.220 Right Of Appeal

SUBPART C: REISSUANCE OF BENEFIT CHECKS

(Source: Added at 14 Ill.Reg. _____, effective _____)

2830.300 Requests For Reissuance Of Checks
2830.305 Where Original Benefit Check Has Been Processed By The Depository Bank
2830.310 Check Forgery Investigation
2830.315 Notice Of Interview
2830.320 Continuances
2830.325 Check Forgery Interview
2830.330 The Record
2830.335 Decision
2830.340 Appeals

AUTHORITY: Implementing and authorized by Sections 400, 404, 1700 and 1701 of the Unemployment Insurance Act (Ill. Rev. Stat. 1987, ch. 48, pars. 400, 404, 610 and 611).

SOURCE: Illinois Department of Labor, Bureau of Employment Security, Regulation 26, filed as amended May 2, 1952, effective May 12, 1952; rule repealed by operation of law, October 1, 1984; new rules adopted at 9 Ill. Reg. 10005, effective June 15, 1985; amended at 14 Ill. Reg. _____, effective _____.

- a) Benefit checks shall be mailed to the address provided by the claimant to the local office where the claim is filed. Envelopes in which benefit checks are mailed shall advise the United States Postal Service that such checks shall be returned to the Agency, as defined in 56 Ill. Adm. Code 2720.1, if delivery cannot be made at the address indicated on the envelope.
- b) Benefit checks shall not be mailed to a Post Office Box unless the claimant provides the local office with home address and an explanation of why he wants his checks sent to a Post Office Box.
- c) Benefit checks shall not be mailed to an address outside of the United States or Canada unless the claimant provides a reason which indicates only a temporary absence from this country or Canada.

SUBPART C: REISSUANCE OF BENEFIT CHECKS

Section 2830.300 Requests For Reissuance Of Checks

- a) If the claimant is filing an intrastate claim (see 56 Ill. Adm. Code 2714 for interstate claims), his request for the reissuance of a benefit check must be made in person at the local office where the claimant last filed a claim. Such request shall be made in writing on form, BIS-0096, "Request for Replacement Check and Check Tracer."
- 1) If the original check has already been processed by the depository bank, the claimant will be sent instructions as outlined in Section 2830.305.
- 2) If the original check has been returned to the Agency by either the individual or the Post Office, it shall be immediately reissued to the individual.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

- 3) If the original check has not been processed by the depository bank, the Agency will submit a stop payment order to the bank. After acknowledgment of the stop payment order is returned by the depository bank, a replacement check will immediately be issued.
- b) Requests by a second endorser for replacement of a benefit check which has not already been processed by the depository bank shall be made in writing to Accounting Services Division, Trust Fund Subdivision, 401 S. State St., Chicago, IL 60605.
- 1) If the original benefit check was lost, mutilated or stale-dated after receipt by the second endorser, and if proof of such action is provided to the Agency, disbursement of the funds to cover the check will be made to the second endorser.
- 2) If the original benefit check was subject to a stop payment order initiated by the claimant pursuant to subsection (a)(3), the matter will be sent to the Benefit Payment Control Division for an interview pursuant to Section 2830.310.

(Source: Added at 14 Ill.Reg. _____, effective _____)

Section 2830.305 Where Original Benefit Check Has Been Processed By The Depository Bank

- a) Where a request for reissuance of a benefit check is made by a claimant pursuant to Section 2830.300 and it is determined that the check has already been processed by the depository bank, such claimant will be sent a copy of the check and a form, BIS-0097, "Affidavit of Non-Endorsement." If the claimant believes that neither he nor his authorized agent endorsed the check or that he did not receive the proceeds of such check, then, within 30 days of the mailing of the copy of the check, the claimant must file the completed "Affidavit of Non-Endorsement" at the local office where he last filed a claim for benefits.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

- b) Where a request for reissuance of a benefit check is made by a second endorser and the original benefit check has been processed by the depository bank, such request must be made within 90 days after the date that such check was paid by the depository bank.

(Source: Added at 14 Ill.Reg. _____, effective _____)

Section 2830.310 Check Forgery Investigation

- a) Where a forgery investigation is to be conducted because the claimant claims non-payment of the proceeds of a benefit check, all materials relevant to the matter shall be forwarded to the Agency's Benefit Payment Control Subdivision where a special agent shall investigate the matter and prepare a recommendation as to whether to reissue the benefit check to the claimant.
- b) If the recommendation of the special agent is not to reissue the original benefit check, the special agent shall set the matter for a forgery interview pursuant to Section 2830.315.
- c) Prior to the forgery interview provided in Section 2830.315, the special agent who conducted the initial investigation shall prepare a form, SI-1F, Report of Forgery Investigation, and record the results of the following in chronological order:
- 1) Any contact with the second endorser or payor of the check. Any relevant information or evidence such as check cashing registration cards should be noted and included in the file;
 - 2) Contact with additional witnesses as might be deemed necessary by the special agent;
 - 3) Any contact with the claimant, including any background information which might have been discovered; and
 - 4) A summary of all relevant facts and the basis for the decision not to reissue the benefit check.

(Source: Added at 14 Ill.Reg. _____, effective _____)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

Section 2830.315 Notice Of Interview

- a) Written notice of the date, time and place of the forgery interview will be mailed to the claimant at least 10 days prior to the date of the interview.
- b) The notice of interview shall identify the facts and issues to be covered by the interview.
- c) The notice of interview shall be sent to the claimant at the address shown on the Affidavit of Non-Endorsement.

(Source: Added at 14 Ill.Reg. _____, effective _____)

Section 2830.320 Continuances

The special agent to whom the matter is assigned shall grant continuances only for good cause shown. When a continuance is granted, the interview shall be rescheduled at the earliest possible time convenient to all parties. All parties shall be informed of the date, time and place of the rescheduled interview either orally or in writing.

(Source: Added at 14 Ill.Reg. _____, effective _____)

Section 2830.325 Check Forgery Interview

- a) The special agent will control the interview which will be limited to the issues set forth in the notice of interview;
- b) All testimony at the interview shall be made under oath or affirmation;
- c) At the interview, the special agent shall:

- 1) Inform the parties of the purpose of the interview and of their rights under the Act and the rules promulgated thereunder;
- 2) Present to the claimant all relevant material obtained during the investigation;
- 3) If the second endorser is present, take any testimony that he can offer on the cashing of the benefit check;

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

- 4) Provide the claimant with an opportunity to explain any reasons or to present any evidence which would show that the signature on the benefit check is not his and then allow the claimant to cross-examine any witnesses at the hearing or rebut any other evidence presented; and
- 5) Issue his decision on the available facts, even if the claimant does not appear at the interview (there shall be no defaults for want of prosecution, though the claimant may withdraw his request for reissuance).

(Source: Added at 14 Ill.Reg. _____, effective _____)

Section 2830.330 The Record

A complete record shall be maintained of the interview before the special agent. The record will consist of the special agent's written summary of the testimony of the parties and their witnesses and copies of all documents, reports, briefs, motions and findings in the matter.

(Source: Added at 14 Ill.Reg. _____, effective _____)

Section 2830.335 Decision

- a) A decision shall be made in writing, shall separately state findings of fact and conclusions of law and shall be mailed to the parties thereto;
- b) A decision to allow or deny a claim for reissuance of a benefit check under this Subpart shall be based on the testimony and evidence in the record and not solely on an analysis of the claimant's handwriting. The formal rules of evidence shall not, however, apply in these matters;
- c) No decision shall be based solely on unobjected to hearsay testimony where the claimant has testified to the contrary under oath unless the special agent finds that the claimant's testimony is incredible, inconsistent or inherently improbable.
- d) No decision shall be based on evidence which the claimant has not had an opportunity to review and rebut. The claimant shall be deemed to have waived his right

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

to review and rebut when he fails to appear at the scheduled hearing.

(Source: Added at 14 Ill.Reg. _____, effective _____)

Section 2830.340 Appeals

The decision of the special agent shall constitute a final administrative decision, subject to review under the State's Administrative Review Law.

(Source: Added at 14 Ill.Reg. _____, effective _____)

ILLINOIS REGISTER

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Department Facilities and Grounds
- 2) Code Citation: 59 Ill. Adm. Code 102
- 3) Section Numbers: Proposed Action:
102.10 Amendment
102.30 Amendment
- 4) Statutory Authority: Section 102.10 implementing and authorized by Ill. Rev. Stat. 1987, ch. 91½, pars. 5-104, 100-4 and 100-5; Section 102.30 authorized by Ill. Rev. Stat. 1987, ch. 91½, pars. 5-104 and 100-5.
- 5) A Complete Description of the Subjects and Issues Involved:
Both Section 102.10 and 102.30 are being amended to reflect current Department policies and practices. When applicable, current statutes and rules of other state agencies, such as the Office of the State Fire Marshal have been incorporated. When these amendments have been adopted, several internal policy directives will be rescinded. These amendments also reflect the Department's response to the Joint Committee on Administrative Rules' comments which the Joint Committee made during its five-year review of the Department's rules.
- 6) Will these proposed rules replace an emergency rule currently in effect?
No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed rules contain incorporations by reference? No. These rules do not contain any incorporations by reference in accordance either Section 6.02(a) or 6.02(b) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, pars. 1006.02(a) and 1006.02(b)).
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act (Ill. Rev. Stat. 1987, ch. 85, par. 2201 et seq.)

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any interested person may submit comments, data, views or argument regarding this proposed rulemaking before the expiration of the first 45-day notice period. Submissions must be in writing and directed to: Rules Administrator, Illinois Department of Mental Health and Developmental Disabilities, 400 Stratton Building, Springfield, IL 62706, telephone (217)785-3313.

- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not impact small businesses.

The full text of the Proposed Amendments begins on the next page:

ILLINOIS DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENTS

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIESPART 102
DEPARTMENT FACILITIES AND GROUNDS

Section 102.10 Use of Department facilities and grounds
102.30 Fire P protection in Department facilities

AUTHORITY: Section 102.10 authorized by implementing and implementing authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1979 1987, ch. 91½, par. 5-104) and Sections 4 and 5 of "An act AN ACT codifying the powers and duties of the Department of Mental Health and Developmental Disabilities" (Ill. Rev. Stat. 1979 1987, ch. 91½, pars. 100-4 and 100-5); Section 102.30 authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1979 1987, ch. 91½, par. 5-104) and Section 5 of "An act AN ACT codifying the powers and duties of the Department of Mental Health and Developmental Disabilities" (Ill. Rev. Stat. 1979 1987, ch. 91½, par. 100-5).

SOURCE: 4 Ill. Reg. no 17, April 25, 1980, page 218, effective April 15, 1980; codified at 5 Ill. Reg. page 10718; amended at 14 Ill. Reg. _____, effective _____.

Section 102.10 Use of Department facilities and grounds

a) Facilities and Grounds

- 1) Upon timely and proper application, the facility director may grant permission to use temporarily, without charge, assembly halls, auditoriums, and similar meeting rooms, as well as facility grounds, to any organization or group of citizens when such facilities are available and are not needed for regular Departmental purposes. Members of outside organizations permitted to use Department facilities shall be advised that they must observe the same rules and regulations as employees or visitors.

- 2) Upon timely and proper application, the facility director may grant permission to use a particular meeting room in a Department facility as a regular meeting place at reasonable

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intervals to employee organizations provided such meetings do not interfere with Departmental utilization of such facilities or rooms.

- 3) Use of such facilities in these instances shall be accomplished without undue expense or burden to the Department.

a) Site visits

- 1) The Department may provide visiting privileges to voluntary organizations that wish to review living conditions, and the nature of publicly-sponsored services.

- 2) Organization site visits shall be conducted in a manner that is consistent with facility operating needs and recipient confidentiality and be authorized by the Department's Bureau of Rules, Policies and Regulatory Review (Bureau). Disruption of recipients and their programs shall be minimized. Except by prior agreement with the facility director, visitation groups shall not exceed five persons on a given unit on any one day. Facility directors who receive requests for visitation privileges shall forward, or advise the organization to send a written request to the Bureau. The purpose of the authorization process is to ensure that organization members have received training and orientation concerning the history of mental health care, the Department's service delivery system, advocacy, and legal issues such as recipients' rights and confidentiality. The Bureau shall distribute to facilities a listing of organizations that are authorized to conduct site visits. Visitation privileges shall be authorized annually.

- 3) Site visits shall be announced 48 hours in advance to the facility director and shall occur between 9:00 a.m. and 9:00 p.m. Following four scheduled visits to any facility, unannounced visits may be made to any facility, providing the majority of individuals conducting the visit have previously participated in scheduled visits.

- 4) Before conducting any site visit, organization visitors shall report their presence to the facility director, or the administrator on duty, who shall confirm their identity and their authorization and make available a staff member to escort the visitors.

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- 5) All visitation activities shall conform to the Mental Health and Developmental Disabilities Confidentiality Act (Ill. Rev. Stat. 1987, ch. 91, par. 801 et seq.). Recipient records may not be examined during site visits. Visitors may request and receive verbal authorization from recipients for interviews with the recipients. If facility staff are to be included in the interviews or are to be questioned separately in regard to a specific recipient, a written consent for release of information shall be obtained from the recipient. Unless a release is obtained, facility staff shall not participate in the interview or respond to such questions.

- 6) Authorized visitors shall be permitted access to recipient living units and program areas, except when, in the facility director's or unit administrator's clinical judgment, such access poses a threat to their or the recipients' security, or constitutes an interference with recipient programming. Before visitors are permitted access to living units or program areas, the facility director shall give recipients advance notice. Before inspecting a recipient's room, visitors shall obtain the recipient's permission.

- 7) To facilitate direct and timely communication, all site visits shall be concluded with an exit conference with the facility director. If time or circumstances do not permit an immediate appointment, the visitors should seek an appointment with the facility director within 48 hours. The organization shall provide a written report of its findings to the facility director at the exit conference. If no negative findings were noted during the visit, this should be documented. The facility director shall provide the deputy director for facility operations and the Department Director with a copy of all written reports within 48 hours and shall provide a written response to all exit reports within five days of receipt to the visitors with a copy to the deputy director for facility operations and the Department Director.

b) Sales or solicitation

Sales or Solicitation. The facility director shall not permit organizations or individuals to solicit funds or memberships, other than union memberships, nor sell or take orders for goods or services from employees in the buildings or on the grounds of Department facilities without the Director's prior approval. The Director may approve these activities if they do not interfere with the employees' job duties and if the activities are not directed toward recipients.

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c) Game Preserve

1) State-owned land at a All Department facilities shall be closed as game reservations and posted accordingly. The facility director may, however, grant fishing privileges to service recipients in the at facilities where fishing is possible.

2) No hunting or trapping shall be permitted on the grounds of any Department facility.

d) ~~Liquor/Firearms~~ Liquor and firearms

1) Sale or gift of alcoholic beverages, liquor, drugs, narcotics or marijuana controlled substances or cannabis to employees or service recipients on facility grounds is prohibited. Visitors or employees who show signs of intoxication or a drug-induced state shall be denied admittance to Department facilities and grounds.

2) Firearms or lethal other weapons such as bludgeons, metal knuckles, tear gas, broken bottles or glass, knives, hatchets or bombs shall not be brought or permitted on facility grounds.

e) Traffic Regulations

1) All persons driving on facility grounds shall observe the established traffic regulations of the facility, including the use of designated parking areas. Facility directors may establish such regulations and may bar vehicles from the facility grounds for repeated violations of such regulations.

2) Any driver of a motor vehicle on facility grounds shall be required to stop the motor and lock the vehicle when it is unattended. This regulation shall apply to all employees, visitors, tradesmen, contractors, materials suppliers, workmen, and others. The facility director may make other reasonable regulations designed to ensure the safety of service recipients.

e) Facility access

Only persons on official business, such as employees, authorized visitors, persons providing required goods and services, shall have access to facility grounds.

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f) Keys- Facility directors shall be responsible for issuing all keys to authorized personnel and for keeping an accurate record of their assignment. Keys shall not be duplicated by any employee without the facility director's written permission. Unauthorized duplication of a key or keys or giving or loaning of keys to unauthorized persons by an employee shall be cause for disciplinary action, up to and including discharge from employment.

f) Identification of employees and visitors

The facility director shall develop and implement written policies and procedures to insure that employees and visitors are properly identified at all times while they are on facility grounds. Employees shall have on their person an employee identification card or badge; visitors shall have on their person a visitor identification card or badge. The facility director may require additional identification.

g) Damage to State Property- If, after thorough investigation, an employee is found responsible for deliberate or careless damage to or destruction of state property, the employee may be subject to disciplinary action and/or may be required to pay all or part of the cost of the damages incurred.

g) Traffic rules

All persons driving on facility grounds shall operate their vehicles consistent with the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95, par. 1-100 et seq.) and shall observe the traffic rules established by the facility director that include, but are not limited to, the use of designated parking areas, observance of posted stop signs, speed limits, reckless driving, failure to yield to recipients crossing roadways, failure to display a decal, and leaving unattended vehicles unlocked. The facility director may bar vehicles from the facility grounds after notice is given for three violations of these rules. Traffic rules shall be posted in prominent places.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 102.30 Fire protection in Department facilities

a)

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1) Facility directors of Department facilities shall ensure that staff exercise the utmost precautions for the prevention of fire and the protection of service recipients and property.

2) Fire protection services shall be maintained consistent with the needs of the facility as approved by the Department and in accord with provisions, instructions and procedures set forth in the Manual of Administrative Procedures, Fire Protection Services.

b)

1) All employees shall be thoroughly trained in the prompt and effective use of first aid fire appliances and in rescue procedures.

2) Fire drills shall be held at reasonable intervals to be set by the facility director, but at least once every month and a record kept.

e)

1) Where the facility maintains its own fire protection services, fire fighting personnel shall be fully trained to effectively combat any fire which may occur on the facility grounds.

2) No fire fighting apparatus shall be taken from the facility grounds in response to a call for aid at a fire in a neighboring community without the consent of the facility director who shall have authority to assign equipment to respond to calls for outside aid only when the absence of such equipment will not jeopardize the fire safety protection of the facility over which the facility director presides.

d)

1) Extraordinary care shall be taken to prevent fires caused from smoking by employees, service recipients, or visitors. Service recipients shall not be permitted to carry matches or cigarette lighters, and shall be allowed to smoke only in the presence of employees and in places designated. If, in the opinion of the responsible medical doctor this rule should be relaxed for therapeutic purposes, he will submit his recommendation in writing to the facility director and the facility director will respond in the same manner.

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2) Smoking in assembly halls is prohibited; however, in multi-purpose rooms, at the discretion and responsibility of the facility director, this rule may be relaxed when groups of 100 persons or less are assembled.

e)

1) Bed service recipients shall be housed when possible on the lower floors of multiple-story buildings to facilitate their immediate evacuation. It is extremely important that plans be made in advance to evacuate bed service recipients promptly and safely. Facility staff are expected to use discretion with regard to the use of restraints during such evacuation. To accomplish this, other employees shall be assigned to assist the employees on duty at such locations in the event of fire.

2) In facilities which are served by volunteer fire fighting services, facility personnel will be designated to assist and act as liaison so that such evacuation occurs as expeditiously as possible.

f) Any evacuation of service recipients charged with felonies, or who present a risk of unauthorized absence, shall be conducted with the assistance of facility security personnel, or other law enforcement authority as available or required.

The Department adopts the rules of the Office of the State Fire Marshal at 41 Ill. Adm. Code 100 (Fire Prevention and Safety), 41 Ill. Adm. Code 140 (Policy and Procedures Manual for Fire Protection Personnel), and 41 Ill. Adm. Code 180 (Storage, Transportation, Sale, and Use of Gasoline and Volatile Oils: Gasoline and Volatile Oils - General Rules).

a) General provisions

Each Department facility shall have a master fire plan that shall include, at a minimum, the following:

1) That fire regulations are posted and communicated;

2) That sprinkler systems, fire hoses, fire detection and alarm devices, and other equipment for use in the fire safety program, are connected and maintained in a fully functional condition at all times;

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- 3) That fire detection and protection systems are inspected no less than twice a year by both inspectors from the Office of the State Fire Marshal and surveyors from the Illinois Department of Public Health, which surveys Department facilities for compliance with health and safety standards under the Nursing Home Care Act (Ill. Rev. Stat. 1987 and 1988 Supp., ch. 111, par. 4151-101 et seq.);
- 4) That no firefighting equipment shall be taken from the facility in response to a call for outside aid unless the facility director consents. The facility director may assign equipment for outside aid only when the absence of such equipment will not jeopardize the fire protection of the facility;
- 5) That evacuation procedures protect the safety and well-being of recipients at all times;
- 6) That employees are instructed in fire notification procedures and the use of alarm and signal systems;
- 7) That situations when employees are to attempt to contain fires are identified;
- 8) That there is advance planning for evacuation of non-ambulatory recipients in a prompt and safe manner.

b) Training

- 1) All employees shall be trained in the prompt and effective use of firefighting equipment, in methods of fire containment and reporting, and in evacuation procedures.
- 2) When the facility maintains its own fire protection services, firefighting personnel shall be trained in accordance with the provisions of the Illinois Fire Protection Training Act (Ill. Rev. Stat. 1987, ch. 85, par. 531 et seq.), as administered by the State Fire Marshal at 41 Ill. Adm. Code 140 (Policy and Procedures Manual for Fire Protection Personnel). Fire chiefs shall be trained to the Fire Officer II level; assistant fire chiefs shall be trained to the Fire Officer I level; fire safety coordinators shall be trained to the Fire Prevention Officer I level; and firefighters, after one year of service, shall be trained to the Firefighter II level.

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c) Evacuation

- 1) Evacuation drills shall be held at intervals to be set by the facility director, but shall be conducted at least once per shift, quarterly.
- 2) Evacuation routes and the location of firefighting equipment shall be posted in areas used by the public.
- 3) To facilitate their immediate evacuation, non-ambulatory recipients shall be housed on the lower floors of multiple-story buildings. Employees shall not use restraints when evacuating non-ambulatory recipients unless there is a danger of their being injured or of their harming themselves or others. In the event of fire or other emergencies, employees who serve non-ambulatory recipients shall be assisted by employees from other units who have been assigned to provide evacuation assistance.
- 4) Security staff and local law enforcement authorities, if requested, shall assist in the evacuation of recipients who present a risk of unauthorized absence or serious harm to others.

d) Prevention

- 1) Smoking shall be in accordance with the Illinois Clean Indoor Air Act (P.A. 86-1018, effective July 1, 1990). "No smoking" signs shall be conspicuously posted in every location where smoking is prohibited.
- 2) Recipients shall not be permitted to carry matches or lighters, and shall be allowed to smoke only in the presence of employees in designated places. If, in the judgment of the attending physician, this prohibition should be relaxed for therapeutic purposes, the physician shall submit his or her recommendation in writing to the facility director who shall respond to the recommendation in the same manner.

e) Reporting

- 1) The facility shall maintain records and reports of fire safety inspections, fire drills and fire evacuations. The facility shall document specific actions taken to correct deficiencies noted in these reports. These reports shall be forwarded monthly to the Department's chief engineer.

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- 2) Each facility shall prepare, within 24 hours of each fire-related incident or injury, a fire incident report form, provided by the State Fire Marshal, and shall submit the form by the 15th day of the following month to the State Fire Marshal.
- 3) Each facility shall prepare an annual narrative report of the fires at the facility during the previous calendar year. This summary report shall contain such information as the total number of fires by unit, total dollar amount of damages, any injuries or deaths that occurred, the primary cause of the fires, and any steps taken to reduce the number of fires or to increase fire safety. The facility director shall forward these reports to the Department's chief engineer.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Optometric Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1320
- 3) Section Numbers: Proposed Action:
 1320.30 Amending
 1320.55 Amending
 1320.80 Amending
 1320.300 Amending
- 4) Statutory Authority: Optometric Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, pars. 3910, 3913, 3916, 3917 and 3919.
- 5) A Complete Description of the Subjects and Issues Involved:

Section 1320.30 has been changed to allow applicants to have their National Board of Examiners in Optometry Examination (NBEO) scores submitted to the Department prior to licensure rather than prior to sitting for the comprehensive practical examination.

Section 1320.80 sets forth additional standards for the certified continuing education post-course evaluation. The course shall be at least 2 hours in length rather than 3 hours; the evaluation may be an on-site or off-site evaluation and meet the standards set forth; the course may be retaken at the discretion of the sponsor and the sponsor shall indicate in course materials if the course may be retaken; and the certified continuing education course shall not be self-instruction or a correspondence course.

The renewal fees for an ancillary optometry license, ancillary topical ocular pharmaceutical certificate and an approved continuing education sponsor have been reduced.

- 6) Will these proposed amendments replace an emergency Rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed Rules pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable):

This proposed amendment neither creates nor expands any state mandate or units of local government, school districts or community college districts.

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11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested Persons may submit written comments and views to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 5, 1990

B) Types of small businesses affected: Licensed Optometrists; Sponsors of Continuing Education

C) Reporting, bookkeeping or other procedures required for compliance:

Procedures required for compliance for licensees are related to continuing education requirements. Approved continuing education sponsors and programs shall comply with all bookkeeping procedures set forth in these amendments.

D) Types of professional skills necessary for compliance: Optometry skills are necessary for compliance.

The full text of the Proposed amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1320
OPTOMETRIC PRACTICE ACT OF 1987
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Section

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SUBPART C: GENERAL

1320.300 Fees
1320.310 Ancillary Licenses and Certificates

AUTHORITY: Implementing The Optometric Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, pars. 3901 et seq.) authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 60(7)).

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SOURCE: Adopted at 5 Ill. Reg. 5869, effective June 1, 1981; codified at 5 Ill. Reg. 11046; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; emergency amendment at 6 Ill. Reg. 2273, effective January 29, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 10032, effective August 1, 1982; amended at 9 Ill. Reg. 1092, effective January 11, 1985; amended at 10 Ill. Reg. 7340, effective April 16, 1986; transferred from Chapter I, 68 Ill. Adm. Code 320 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1320 (Department of Professional Regulation) pursuant to P.A. 85-225 effective January 1, 1988, at 12 Ill. Reg. 1821; emergency amendment at 12 Ill. Reg. 1925, effective January 1, 1988, for a maximum of 150 days; emergency expired May 30, 1988; amended at 12 Ill. Reg. 11447, effective June 27, 1988; amended at 13 Ill. Reg. 6994, effective April 25, 1989; amended at 14 Ill. Reg. _____, effective _____.

SUBPART A: OPTOMETRY

Section 1320.30 Application for Examination

a) An applicant for an license examination to obtain a license to practice optometry shall file an application, on forms supplied by the Department, at least 60 days prior to the comprehensive practical examination date. The application shall include:

- 1) Certification of graduation from an approved 4 year optometry graduate level program in accordance with Section 1320.20. Such certification shall be received prior to sitting for the examination; or
- 2) A complete work history since graduation from an optometry program; and
- 3) The required fee set forth in Section 1320.300 of this Part.

b) The applicant shall also cause a certified copy of the grades received on the examination given by the National Board of Examiners in Optometry (NBEO) to be forwarded by the National Board directly to the Department. The NBEO exam scores shall be received prior to taking the comprehensive practical examination a license being issued by the Department.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1320.55 Renewals

a) Every license issued under the Act shall expire on March 31 of each even numbered year. The holder of a license may renew such license

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during the month preceding the expiration date thereof by paying the required fee and completion of continuing education requirements set forth in Section 1320.80.

b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and to renew the license in a timely manner.

c) Practicing after a license has expired shall be considered the unlicensed practice of optometry and subject to discipline pursuant to Section 24 of the Act.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1320.80 Continuing Education

a) Continuing Education Hour Requirements

1) Every renewal applicant shall complete 24 hours of Continuing Education (CE) relevant to the practice of optometry required during each prerenewal period. A prerenewal period is the 24 months preceding March 31 in the year of the renewal. For the renewal period ending March 31, 1990, the prerenewal period will be February 1, 1988, to March 31, 1990.

2) A renewal applicant is not required to comply with CE requirements for the first renewal.

3) Optometrists licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.

b) Approved Continuing Education

1) Verified attendance at or participation in a program which is offered by an approved continuing education sponsor who meets the requirements set forth in subsection (c).

2) For the March 31, 1992, renewal and every renewal thereafter each licensee shall be required to complete at least 6 hours of credit for each prerenewal period which is certified by an approved optometry college in accordance with Section 1320.20 of this Part, osteopathic or medical college or university pursuant to the Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4400-1 et seq.).

A) Each certified course shall be at least 2 3/4 hours in duration

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in which the individual is in actual attendance and shall include the successful completion of a post-course evaluation of the attendee's understanding of the course material.

1) The post-course evaluation may be taken on-site immediately following the course presentation. An examination distributed on-site shall not be removed from the site. Credit may be given for time spent on the post-course evaluation.

11) The post-course evaluation may be a correspondence evaluation mailed to the attendee and returned to the provider. The sponsor shall not distribute a post-course evaluation at the site.

111) At the sponsor's discretion, the attendee may be allowed one retake of a failed post-course evaluation in order to receive credit as certified continuing education.

B) Licensees who attend a certified education course without successful completion of a post-course evaluation may apply actual course hours toward fulfillment of the additional continuing education requirements as set forth in subsection (b)(1) and (b)(3).

C) Any approved continuing education sponsor or employer may offer, in conjunction with the above-referenced college or university, a certified course.

D) Transcript quality continuing education courses shall be deemed equivalent to the certified course if they meet the requirements set forth in subsection (2)(A) above.

E) Continuing education sponsors shall state in their course materials the type of post-course evaluation which will be given and whether the applicant will be allowed to retake the evaluation.

E) Certified continuing education courses shall be courses in which the attendees are in actual attendance. No self instruction or correspondence courses shall be considered certified continuing education courses.

3) Eighteen (18) hours of CE credit may be earned as follows (not accepted for certified CE):

A) A maximum of 12 hours per prerenewal period for papers prepared and delivered before recognized optometric

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organizations, papers published in nationally recognized optometric journals, or a chapter in a book of optometry, each appropriately verified.

B) A maximum of 12 hours per prerenewal period for verified teaching of students at an optometry school approved by the Department, or practicing optometrists in CE programs approved by the Department. One hour of teaching at an optometry school approved by the Department is equal to one hour of continuing education.

C) A maximum of 2 hours per prerenewal period for previously approved verified self-instruction in the individual use of audio-visual materials which is sponsored or cosponsored by any previously approved, optometry college, institution or national, state or local optometry association or organization similar to the foregoing.

D) A maximum of 4 hours per prerenewal period for courses in practice management which includes business management.

E) Continuing education credit hours used to satisfy the CE requirements of another state may be submitted for approval for fulfillment of the CE requirements of the State of Illinois.

F) Credit shall not be given for courses taken in Illinois from unapproved sponsors.

c) Continuing Education Sponsors and Programs

1) Sponsor, as used in this Section, shall mean a person, firm, association, corporation, or any other group which has been approved and authorized by the Department upon the recommendation of the committee to coordinate and present continuing education courses or programs.

2) A sponsor shall file a sponsor application, along with the required fee set forth in Section 1320.300(a)(7), which certifies:

A) that all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c) and all other criteria in this Section;

B) that the sponsor will be responsible for verifying attendance at each course or program, and provide a certificate of completion as set forth in subsection (b);

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~~6) that the sponsor will provide the Department with a list of all programs for which CE credit was given during the pre renewal period set forth in subsection (a)(1) of this Section;~~

~~6) C) that upon request by the Department, the sponsor will submit such evidence as is necessary to establish compliance with this Section. Such evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance; and~~

~~6) D) that each sponsor shall submit to the Department a written notice of a course offering 30 days prior to the course date. The notice shall include the description, location, date and time of the course to be offered.~~

~~3) Each sponsor shall submit by March 31 of each even numbered year a sponsor application along with the required fee set forth in Section 1320.300 (b)(5) of this Part. With the application the sponsor shall be required to submit to the Department a list of all courses and programs offered in the pre renewal period, which includes a description, location, date and time the course was offered.~~

~~3) 4) All courses and programs shall:~~

~~A) contribute to the advancement, extension and enhancement of professional clinical skills and scientific knowledge in the practice of optometry.~~

~~B) provide experiences which contain scientific integrity, relevant subject matter and course materials; and~~

~~C) be developed and presented by persons with education and/or experience in subject matter of the program.~~

~~4) 5) The tuition fees charged for programs conducted by approved sponsors shall be reasonable and directly related to the sponsor's actual expense in conducting the programs.~~

~~5) 6) All programs given by approved sponsors shall be open to all licensed optometrists and not be limited to the members of a single organization or group and shall specify the number of CE hours and category(s) that may be applied toward Illinois CE requirements for licensure renewal.~~

~~6) 7) Certificate of Attendance~~

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A) It shall be the responsibility of the sponsor to provide each participant in a program with a certificate of attendance signed by the sponsor. The sponsor's certificate of attendance shall contain:

i) The name and address of the sponsor;

ii) The name and address of the participant and their optometry license number;

iii) A detailed statement of the subject matter;

iv) The number of hours actually attended in each topic;

v) The date of the program;

vi) ~~Whether the course qualifies for certified continuing education and if the post-course evaluation was passed or failed.~~

B) The sponsor shall maintain these records for not less than 5 years.

~~7) 8) The sponsor shall be responsible for assuring verified continued attendance at each program. No renewal applicant shall receive CE credit for time not actually spent attending the program.~~

~~8) 9) Upon the failure of any sponsor to comply with any of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Committee, shall thereafter refuse to accept for CE credit attendance at or participation in any of such sponsor's CE activities until such time as the Department receives reasonably satisfactory assurances of compliance with this Section.~~

d) Continuing Education Earned in Other States. If a licensee has earned CE hours in another state or territory for which he will be claiming credit toward full compliance in Illinois, the applicant shall submit an application along with a \$10 processing fee within 90 days of completion of the course. The Committee shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.

e) Certification of Compliance with CE Requirements

1) Each renewal applicant shall certify, on his renewal application, to full compliance with the CE requirements set forth in subsection (a) above.

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2) The Department may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance.

3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Committee, at which time the Committee may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 16 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1016).

f) Waiver of CE Requirements

1) Any renewal applicant seeking renewal of his license without having fully complied with these CE requirements shall file with the Department a renewal application, the renewal fee set forth in Section 1320.300, a statement setting forth the facts concerning such non-compliance, and a request for waiver of the CE requirements on the basis of such facts. If the Department, upon the written recommendation of the Committee, finds from such affidavit or any other evidence submitted, that good cause has been shown for granting a waiver, the Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied.

2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

- A) Full-time service in the armed forces of the United States of America during a substantial part of such period; or
- B) Extreme hardship, which shall be determined on an individual basis by the Committee and shall be limited to documentation of:
 - i) an incapacitating illness documented by a currently licensed physician,
 - ii) a physical inability to travel to the sites of approved programs, or
 - iii) any other similar extenuating circumstances.

3) If an interview with the Committee is requested at the time the request for such waiver is filed with the Department, the renewal

applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

SUBPART C: GENERAL

1320.300 Fees

a) Application fees.

- 1) The fee for application for a license as an optometrist is \$200.
- 2) The fee for application for a certificate for use of topical ocular pharmaceuticals is \$130.
- 3) The fee for application for an ancillary optometric license is \$80.
- 4) The fee for application for an ancillary Topical Ocular Pharmaceutical license is \$50.
- 5) Applications for an examination shall be required to pay, either to the Department or its designated testing service, a fee covering the cost of determining the applicant's eligibility and providing the examination.
- 6) The fee for application for licensure from a person licensed as an optometrist in another jurisdiction is \$200.
- 7) The fee for a sponsor of continuing education is \$500.

b) Renewal fees

- 1) The fee for renewal of an optometrist license is \$100 per year.
- 2) The fee for renewal of a topical ocular pharmaceutical certificate is \$25 per year.
- 3) The fee for renewal of an ancillary optometry license is \$40 \$25 per year.
- 4) The fee for renewal of an ancillary topical ocular pharmaceutical certificate is ~~\$25~~ \$10 per year.
- 5) The fee for renewal as a sponsor of continuing education is ~~\$450~~ \$50 per year.

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c) General Fees

- 1) The fee for restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees.
- 2) The fee for issuance of a duplicate license or certificate or for the issuance of a replacement license for a license which has been lost or destroyed is \$20.
- 3) The fee for the issuance of a license or certificate with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate license is replaced.
- 4) The fee to have the scoring of an examination reviewed and verified by the Department is \$20 plus any fee charged by the applicable testing service to rescure the examination.
- 5) The fee for certification of a licensee's record (e.g. license status, examination information) is \$20.
- 6) The fee for a wall certificate showing licensure is the actual cost of producing such a license.
- 7) The fee for a roster of persons licensed under the Act is the actual cost of producing such a roster.

(Source: Amended at 14 Ill. Reg. ____, effective ____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Private Detective, Private Alarm and Private Security Act of 1983
- 2) Code Citation: 68 Ill. Adm. Code 1240
- 3) Section Numbers:

1240.10	Amending
1240.15	Amending
1240.16	Adding
1240.40	Amending
1240.50	Amending
- 4) Statutory Authority: Private Detective, Private Alarm and Private Security Act of 1983 (Ill. Rev. Stat. 1988 Supp., ch. 111, par. 2669 and 2662).
- 5) A Complete Description of the Subjects and Issues Involved:
 In lieu of submitting fingerprint cards, peace officers may submit alternate verification on forms provided by the Department, of full-time employment as a peace officer, for application for examination and licensure as a private detective or private security contractor, private alarm contractor, permanent employee registration cards, and proprietary security forces. A definition of the term "peace officer" is also included.

 The following sentence has been added to Section 1240.50(d): "Practicing on an expired license is unlicensed practice and subject to discipline under Section 19 of the Act."

 As set forth in Section 1240.50 (f)(1), renewal of firearm authorization cards currently require requalification on the firing range within "six months" preceding the renewal date. This has been changed to within "one year" preceding the renewal date.

 Section 1240.16 has been added which sets forth requirements for the registration of proprietary security forces.
- 6) Will these proposed amendments replace an emergency Rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No

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- 9) Are there any other proposed Rules pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable):

This proposed amendment neither creates nor expands any state mandate on units of local government, school districts, or community college districts.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested Persons may submit written comments and views to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800

All comments received within 30 days of this issue of the Illinois Register will be considered. The comments of interested persons who submit a request to comment within 14 days of this issue will be considered if received within 30 days of such request.

- 12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 30, 1990

B) Types of small businesses affected:

This will apply to examination for licensure as a private detective or private security contractor, private alarm contractors, proprietary security forces, and permanent employee registration cards.

- C) Reporting, bookkeeping or other procedures required for compliance:

Reporting requirements are confined mainly to the submission of applications or supporting documents necessary for obtaining any type of licensure or approval under the Act.

- D) Types of professional skills necessary for compliance: For licensure or registration, applicants will have to have the minimum qualifications outlined in these amendments.

The full text of the Proposed amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PRIVATE DETECTIVE, PRIVATE ALARM AND PRIVATE SECURITY ACT OF 1983
PART 1240

Section	Licensure Under Section 6 of the Act
1240.5	Exemptions Under Section 5 of the Act
1240.7	Application for Examination and Licensure - Private Detective and Private Security Contractor
1240.10	Application for Licensure - Private Alarm Contractor
1240.15	Registration of Proprietary Security Force
1240.16	20-Hour Basic Training Course - General
1240.20	20-Hour Basic Training Course - Security Guards and Alarm Runners
1240.25	Firearm Training Course
1240.30	Approval of Training Programs and Instructors
1240.35	Permanent Employee Registration Cards
1240.40	Refusal to Issue Employee Registration Card
1240.41	Firearm Authorization Cards
1240.45	Recordkeeping Requirements - Employee Files
1240.46	Uniforms
1240.48	Renewals
1240.50	Requests for Duplicate Certificates
1240.51	Endorsement
1240.55	Restoration
1240.60	Conduct of Hearings
1240.65	Granting Variances
1240.70	

AUTHORITY: Implementing the Private Detective, Private Alarm and Private Security Act of 1983 (Ill. Rev. Stat. 1987, ch. 111, par. 2651 et seq.) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 60(7)).

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Detective Act, effective October 7, 1975; amended at 4 Ill. Reg. 22, p. 251, effective May 15, 1980; codified at 5 Ill. Reg. 11032; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 8208, effective July 15, 1982; emergency amendment at 8 Ill. Reg. 903, effective January 6, 1984, for a maximum of 150 days; Part repealed and new part adopted at 9 Ill. Reg. 18512, effective November 15, 1985; transferred

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from Chapter I, 68 Ill. Adm. Code 240 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1240 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2967; amended at 12 Ill. Reg. 20143, effective November 18, 1988; amended at 14 Ill. Reg. _____, effective _____.

Section 1240.10 Application for Examination and Licensure - Private Detective and Private Security Contractor

- a) Applications for licensure by examination, together with all supporting documentation, must be on file at least 60 days prior to the date of the examination.
- b) No candidate shall be admitted to the examination until he has fulfilled the experience and/or education requirements specified in the Act. To determine such fulfillment, the following standards shall be applied:
 - 1) The term "year" shall be 12 average work months during which the applicant was engaged in full-time employment.
 - 2) The work schedule of the employing agency or organization will be accepted as meeting the "full-time" employment requirement, provided it is equal to 1800 hours annually or more.
 - 3) "Full-time supervisor in a law enforcement agency" shall mean any rank above patrolman.
- c) The passing grade on the examination is 70.
- d) Upon notification of successful completion of the examination, the applicant may apply to the Department for licensure. The application must be complete and must be accompanied by:

- 1) 1 set of fingerprints cards issued by the Illinois Department of State Police and 1 set of fingerprint cards issued by the Federal Bureau of Investigation accompanied by the specified processing fee pursuant to Section 20(c)(12) of the Act;
- 2) In lieu of the fingerprint cards, a full-time peace officer may submit verification, on forms provided by the Department, of full-time employment as a peace officer. Such verification shall be signed by his employer. A peace officer is defined as any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses

or limited to specific offenses. For purposes of this Section, officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers.

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or limited to specific offenses. For purposes of this Section, officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers.

- 2) 2 photographs 1 1/2" x 1 1/2", taken within the 3 months preceding application;
- 3) proof of liability insurance as evidenced by a certificate of insurance from the insurer; and
- 4) the required fee(s) specified in Section 20 of the Act.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1240.15 Application for Licensure - Private Alarm Contractor

- a) An individual seeking licensure as a private alarm contractor shall make application to the Department on forms provided by the Department, and shall also submit the following:

- 1) proof of liability insurance as evidenced by a Certificate of Insurance from the insurer;
- 2) 2 photographs, 1 1/2" x 1 1/2", taken within the 3 months preceding application;
- 3) 1 set of fingerprint cards issued by the Illinois Department of State Police and 1 set of fingerprint cards issued by the Federal Bureau of Investigation accompanied by the specified processing fee pursuant to Section 20(c)(12) of the Act;

- 2) In lieu of the fingerprint cards, a full-time peace officer may submit verification, on forms provided by the Department, of full-time employment as a peace officer. Such verification shall be signed by his employer. A peace officer is defined as any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or limited to specific offenses. For purposes of this Section, officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers.

- 4) the required fee(s) specified in Section 20 of the Act.

- b) An individual seeking licensure as a private alarm contractor after

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January 1, 1986, shall submit proof acceptable to the Department that the applicant has fulfilled the required experience specified in Section 14(c) of the Act. To determine such fulfillment, the following standards shall be applied:

- 1) The term "year" shall be twelve average work months during which the applicant was engaged in full-time employment.
- 2) The work schedule of the employing agency will be accepted as meeting the "full-time" employment requirement provided it is equal to 1800 hours annually or more.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1240.16 Registration of Proprietary Security Force

a) Pursuant to Section 24-2 of the Criminal Code of 1961, all commercial or industrial operations who employ 5 or more persons as armed security guards in accordance with paragraph (6) and all financial institutions who employ armed security guards in accordance with paragraph (8) shall register their security force with the Department, on forms provided by the Department, which includes the following:

- 1) business name and address of the proprietary security force;
- 2) the number of armed employees; and
- 3) the name and title of the security director who will be registering armed employees.

b) All armed security guard employees of the registered proprietary force in subsection (a) above shall be required to complete a 20-hour basic training course in accordance with Section 1240.25 and a 20-hour firearm training course in accordance with Section 1240.30.

c) Each proprietary force shall be required to apply to the Department, on forms supplied by the Department, for the issuance of a firearm authorization card for each armed employee of his security force. Each application shall include:

- 1) 1 set of fingerprint cards issued by the Illinois Department of State Police and 1 set of fingerprint cards issued by the Federal Bureau of Investigation;

A) If the employee has state and federal fingerprint cards on

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file with the Department, additional fingerprint cards are not required; or

B) In lieu of the fingerprint cards, the Department will accept a copy of the Certificate of Appointment (Special Policeman) issued by the Department of Police, City of Chicago pursuant to Chapter 173 of the Municipal Code; or

C) In lieu of the fingerprint cards, a full-time peace officer may submit verification, on forms provided by the Department, of full-time employment as a peace officer. Such verification shall be signed by his employer. A peace officer is defined as any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or limited to specific offenses. For purposes of this Section, officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers.

2) verification that the employee has completed the training required in subsection (b). If the employee's firearm training was completed more than two years before the request for a firearm authorization card, the employer shall submit evidence that the employee has requalified on the firing range within the one year preceding the request;

3) the \$5 application fee; and

4) the required fingerprint processing fee, if applicable.

d) The firearm authorization card shall be retained by the employee for the term of employment. Upon termination of employment, the card shall be returned to the Department by the employer. In the event an employee fails to return a firearm authorization card to the employer, the employer shall notify the Department in writing of such and the reason why the card was not returned.

e) No employee shall carry a firearm until the requirements of this Section have been satisfied.

f) If an employee is employed by more than one proprietary security force, that employee must possess a separate firearm authorization card for each force which issues him a weapon.

(Source: Added at 14 Ill. Reg. _____, effective _____)

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Section 1240.40 Permanent Employee Registration Cards

a) Any person seeking employee registration under Section 15 of the Act shall file an application with the Department, on forms provided by the Department, along with the following:

- 1) 1 set of fingerprint cards issued by the Illinois Department of State Police and 1 set of fingerprint cards issued by the Federal Bureau of Investigation;
- 2) In lieu of the fingerprint cards, a full-time peace officer may submit verification, on forms provided by the Department, of full-time employment as a peace officer. Such verification shall be signed by his employer. A peace officer is defined as any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or limited to specific offenses. For purposes of this Section, officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers.

2) Sworn statement verifying that the fingerprints are those of the applicant;

3 2) Two One 1 1/2 " x 1 1/2" photographs taken within the 3 months preceding application;

4 3) The required fingerprint processing fees; and

5 4) The required registration fee specified in Section 20 of the Act, made payable to the Department of Professional Regulation.

b) If no record is found affecting the prints, the Department shall issue, to the applicant, a permanent employee registration card, which shall be valid for the period specified on the face of the card, and shall be renewable upon the conditions set forth in Section 1240.50 of this Part.

c) The employee registration card shall serve as proof to an employer that the bearer thereof is eligible for employment.

d) All persons employed by an agency certified under this Act on January 5, 1984, shall be required to comply with the provisions of this Section.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

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Section 1240.50 Renewals

a) Every individual license issued under the Act shall expire on May 31 of each even numbered year. The holder of a license may renew such license during the month preceding the expiration date thereof by paying the required fee set forth in Section 20 of the Act, providing proof of liability insurance as evidenced by a certificate of insurance from the insurer, and, if applicable, by complying with the provisions of Section 6 of the Act as it pertains to firearm training.

b) Every certificate of registration for an agency and every branch office certificate issued under the Act shall expire on August 31 of each even numbered year. The holder of a certificate of registration may renew such certificate during the month preceding the expiration date thereof by paying the required fee.

c) Every application for renewal of an agency certificate of registration shall be accompanied by a complete roster of current employees of that agency. The roster shall be submitted and shall include each employee's name, home address, social security number, permanent employee registration number, basic training number and firearm authorization card number, if applicable.

d) It is the responsibility of each registrant to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license. Practicing on an expired license is unlicensed practice and subject to discipline under Section 19 of the Act.

e) Every employee registration card issued under the Act shall expire on the date specified on the face of the card. The holder of the card may renew such card during the month preceding the expiration date by submitting the required fee to the Department.

f) Every firearm authorization card shall expire on the date specified on the face of the card. The card shall be renewed upon proof that:

- 1) The employee has been requalified on the firing range within the six-months ~~one year~~ preceding the renewal date; and
 - 2) The employee continues to be employed by the agency to which the card was issued.
- g) No employer shall, after the expiration of a firearm authorization card, employ the holder thereof in an armed capacity.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: DRUG MANUAL
2) Code Citation: 89 Ill. Adm. Code 141

3) Section Numbers: Proposed Action:

141.100 Amendment
141.200 Amendment
141.280 Amendment
141.560 Amendment
141.800 Amendment
141.1000 Amendment
141.1320 Amendment
141.1880 Amendment
141.3440 Amendment
141.3480 Amendment
141.3880 Amendment
141.4360 Amendment
141.4640 Amendment

- 4) Statutory Authority: Sections 5-5.16 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, pars. 5-5.16 and 12-13) and Section 5.02 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, Ch. 127, Par. 1005.02)

- 5) A Complete Description of the Subjects and Issues Involved: With this rulemaking the Department makes several additions and deletions to various therapeutic categories of the Drug Manual.

- 6) Will these Proposed Amendments replace Emergency Amendments currently in effect? Yes

- 7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒

- 8) Do these Proposed Amendments contain incorporations by reference? No

- 9) Are there any other Proposed Amendments pending on this Part? Yes. In addition to the following proposed amendments pending on the Part, there are still emergency amendments in effect on Sections 141.100, 141.560, 141.800, 141.1000, 141.1320, 141.4360 and 141.4640 which are not affected by this set of amendments. The emergency amendments appear at 13 Ill. Reg. 17940, effective November 1, 1989, for a maximum of 150 days. The copies filed in

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the Administrative Code Division reflect both the emergency amendments and these amendments.

Section Numbers	Proposed Action	Illinois Register Citation
141.10	Amendment	December 29, 1989 (13 Ill. Reg. 20288)
141.100	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.560	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.640	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.720	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.800	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.1000	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.1125	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.1200	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.1280	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.1320	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.1520	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.2400	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.2600	Amendment	November 17, 1989 (13 Ill. Reg. 17665)

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Section Numbers	Proposed Action	Illinois Register Citation
141.3120	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.3560	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.3800	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.3840	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.3920	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.4040	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.4200	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.4240	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.4360	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.4640	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.4760	Amendment	November 17, 1989 (13 Ill. Reg. 17665)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Office of the General Counsel, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of

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the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Date Proposed Amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 2, 1990
- B) Types of small businesses affected: Pharmacies and other providers who prescribe and/or dispense the drugs which are included in the Drug Manual.
- C) Reporting, bookkeeping or other procedures required for compliance: Small businesses must be familiar with the Department's procedures for billing, securing approval and receiving payment for drugs which are covered under the Medical Assistance Program.
- D) Types of professional skills necessary for compliance: No additional professional skills required.

The full text of the Proposed Amendments are identical to the text of the Emergency Amendments which appears in this issue of the Register on page 2661.

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NOTICE OF PROPOSED AMENDMENT

1) The Heading of the Part: REFUGEE/ENTRANT/REPATRIATE PROGRAM

2) Code Citation: 89 Ill. Adm. Code 115

3) Section Number: Proposed Action:

115.30

Amendment

4) Statutory Authority: Sections 12-4.5, 12-4.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 12-4.5, 12-4.6 and 12-13)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking adds certain Amerasian immigrants and their close family members to the group of persons eligible for Refugee Resettlement Assistance.

6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date?

Yes ☐ No ☒

8) Does this Proposed Amendment contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Bldg., 11, 100 South Grand Ave. East, 3rd floor, Springfield, Illinois 62762, (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

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The full text of the Proposed Amendment begins on the next page:

a) The Refugee Resettlement Program (RRP) provides for the authorization of assistance (financial and medical) for eligible needy refugees from any nation and for certain Amerasian immigrants from Vietnam (and their close family members).

b) In order to be eligible to be included in a Refugee Resettlement assistance unit, an individual must be a refugee, admitted into the United States (U.S.) as a refugee, or be an Amerasian born in Vietnam between January 1, 1962, and January 1, 1976, (or a close family member of such an Amerasian) and admitted to the United States (U.S.) as an immigrant under the Orderly Departure Program on March 20, 1988.

c) Refugees Individuals may be eligible for refugee assistance for 12 months from the date of entry into the United States. Refugees Individuals who have lived in the U.S. more than 12 months but not more than 24 months may be eligible for refugee related General Assistance.

d) A child born to refugee parents may be included in the assistance unit even though the child was born in the U.S., as long as both parents are refugees.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

- Section
- 115.1 Incorporation By Reference
 - 115.10 General Provisions
 - 115.20 The Cuban Phasedown Program (Repealed)
 - 115.30 The Refugee Resettlement Program
 - 115.32 Refugee Resettlement Program: Application for Assistance
 - 115.33 Refugee Resettlement Program: Furnishing of Social Security Numbers (SSN)
 - 115.34 Refugee Resettlement Program: Work Registration/Participation Requirements
 - 115.36 Mandatory Work Registration/Participation Requirements
 - 115.37 Refugee Resettlement Program: Counseling (Repealed)
 - 115.38 Refugee Resettlement Program: Sanctions for Failure to Cooperate With Work Requirements
 - 115.39 Refugee Resettlement Program: Good Cause For Failure to Cooperate
 - 115.40 The Cuban/Haitian/Entrant Program (Status Pending)
 - 115.50 The Repatriate Program
 - 115.60 Special Provisions Relating to Parolees

AUTHORITY: Implementing and authorized by Sections 12-4.5, 12-4.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 12-4.5, 12-4.6 and 12-13).

SOURCE: Filed and effective December 30, 1977; emergency amendment at 2 Ill. Reg. 28, p. 2, effective June 1, 1978 for a maximum of 150 days; amended at 2 Ill. Reg. 48, p. 60, effective November 25, 1973; amended at 5 Ill. Reg. 2786, effective March 3, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 6 Ill. Reg. 11921, effective September 21, 1982; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16109, effective November 22, 1983; amended at 8 Ill. Reg. 6804, effective May 3, 1984; amended at 9 Ill. Reg. 2296, effective February 5, 1985; amended at 13 Ill. Reg. 3932, effective March 10, 1989; amended at 13 Ill. Reg. 13631, effective August 14, 1989; amended at 14 Ill. Reg. 773, effective January 1, 1990; amended at 14 Ill. Reg. _____, effective _____.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: SPECIAL ELIGIBILITY GROUPS
- 2) Code Citation: 89 Ill. Adm. Code 118
- 3) Section Numbers:
118.300 New Section
118.400 Renumbered
- 4) Statutory Authority: Sections 5-2 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, pars. 5-2 and 12-13)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking authorizes medical assistance without regard to income for certain widows and widowers in accordance with P.L. 100-203 and Hill v. Duffy, Court No. 87-5208.
- 6) Will these Proposed Amendments replace Emergency Amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
- 8) Do these Proposed Amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, Springfield, Illinois 62762, (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

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- 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendments begins on the next page:

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 118
SPECIAL ELIGIBILITY GROUPS

SUBPART A: DISABLED ADULT CHILDREN

Section
118.100 Disabled Adult Children

SUBPART B: MEDICAL PAYMENTS FOR DRUGS FOR PERSONS
WITH ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)
OR AIDS RELATED COMPLEXES (ARC)

Section
118.200 Drugs to Prolong the Lives of Persons With Acquired
Immunodeficiency Syndrome (AIDS) or AIDS Related
Complexes (ARC)

SUBPART C: WIDOWS AND WIDOWERS

Section
118.300 Widows and Widowers

SUBPART C-D: MISCELLANEOUS PROGRAM PROVISIONS

Section
118.300 400 Incorporation By Reference

AUTHORITY: Implementing Articles III, IV and VI and authorized
by Section 12-13 of the Illinois Public Aid Code (Ill. Rev.
Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 6-1 et seq.
and 12-13).

SOURCE: Emergency rule adopted at 12 Ill. Reg. 3037, effective
January 15, 1988, for a maximum of 150 days; adopted at 12 Ill.
Reg. 6301, effective March 18, 1988; amended at 12 Ill. Reg.
8068, effective April 26, 1988; amended at 13 Ill. Reg. 3950,
effective March 10, 1989; amended at 14 Ill. Reg. _____,
effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART C: WIDOWS AND WIDOWERS

Section 118.300 Widows and Widowers

Individuals who meet the following criteria are eligible,
without regard to income eligibility requirements, for medical
assistance under the Aid to the Aged, Blind or Disabled (AABD)
Program.

a) Disabled widows/widowers who:

- 1) were entitled to benefits under Title II of the
Social Security Act (SSA) for December 1983;
- 2) were entitled to and received SSA disabled
widow/widower's benefits for January 1984;
- 3) are ineligible for SSI and/or SSP due to the
increase in widow's or widower's benefits;
- 4) have been continuously entitled to widow's or
widower's benefits since the first month of the
benefit increase; and
- 5) would be eligible for Supplemental Security
Income (SSI) and/or State Supplemental Payment
(SSP) if the amount of the increase and any
subsequent cost of living adjustments in widows
or widower's benefits were disregarded.

B) Widows/Widowers receiving early benefits who:

- 1) are age sixty (60) through sixty four (64);
- 2) are eligible for and receiving early widow's or
widower's benefits under Title II of the Social
Security Act;
- 3) are not entitled to Medicare Part A (hospital
insurance) as determined by the Social Security
Administration; and
- 4) received SSI but is now ineligible for SSI
benefits or SSP because of receipt of Title II
benefits.

(Source: Added at 14 Ill. Reg. _____, effective _____)

NOTICE OF PROPOSED AMENDMENTS

SUBPART G-D: MISCELLANEOUS PROGRAM PROVISIONS

Section 118.300 400 Incorporation By Reference

Any rules or regulations of an agency of the United States or of a nationally recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified, and do not include any later amendments or editions.

(Source: Section 118.300 renumbered to Section 118.400 at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part:

Hospital Licensing Requirements

2) Code Citation:

77 Ill. Adm. Code 250

3) Section Numbers:

250.160
250.1870

Proposed Action:

Amendments
New Section

4) Statutory Authority:

Hospital Licensing Act
Ill. Rev. Stat. 1987, ch. 111 1/2, par. 142 et seq.

5) A Complete Description of the Subjects and Issues Involved:

These proposed amendments to the hospital licensing rules provide specific requirements for a recent innovation in the delivery of maternity care in Illinois hospitals. An increasing number of hospitals are implementing, or considering the possibility of implementing, single room maternity care programs. These proposed amendments have been developed by the Department in consultation with the Hospital Licensing Board and with other interested persons, including hospitals, physicians, nurses, and architects.

The single room maternity care concept involves the consolidation of labor, delivery, recovery, and postpartum functions. Rooming-in of the infant is usually included in the single room maternity program. Use of this concept reduces the number of times a mother is moved from room to room within the hospital. It has been shown to be beneficial for patient care and has been well-received by patients and physicians.

The single room maternity care program expands the birthing room concept to include all levels of childbirth risk, rather than only low risk deliveries. In fact, single room maternity care programs were initially developed as a result of concern about the movement of very high risk mothers. These proposed amendments will allow the use of this concept for all levels of childbirth, other than Cesarean deliveries. A general description of the purpose and operation of single room maternity programs is located in proposed Section 250.1870(b).

Currently the Department has been applying requirements for all of the separate functions which are performed in rooms used for single room

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

maternity care. Therefore, rooms used for single room maternity care have been required to meet the requirements for labor rooms, delivery rooms, recovery rooms, and postpartum rooms. The requirement for 300 square feet of clear area for delivery rooms has been a particularly difficult requirement for these programs to meet. These proposed amendments will appropriately reduce and tailor the physical plant and other requirements for these rooms to the specific needs of this program.

The specific provisions of these proposed amendments concern the establishment of a single room maternity room program, the designation of rooms which will be used in the program, staffing and training requirements, visiting policies, physical plant requirements, and equipment requirements. As described in proposed Section 250.1870(i), all of the hospital licensing requirements will continue to apply to these programs, except for the specific exceptions and modifications which are contained in these proposed amendments.

Comments on the minimum square footage in rooms used for single room maternity care are particularly invited by the Department. The proposed amendments will require 250 square feet of clear area for newly constructed maternity units which utilize single room maternity care, but will also allow the conversion of current rooms to single room maternity care if they contain at least 220 square feet of clear area.

These proposed amendments will have an economic effect on some hospitals. The size of existing rooms in a specific hospital and the decision of the hospital to implement a single room maternity care program will be key factors in determining the extent of the economic effect. Other factors affecting the extent of the economic effect will include the volume of births, the availability of physicians, the preferences of patients and physicians, and the extent and nature of competition with other hospitals for maternity services in the specific area in which the hospital is located. The Department believes that the overall economic effect of reducing the currently restrictive requirements for single room maternity care programs will be positive for hospitals.

In addition, in accordance with an agreement with the Joint Committee on Administrative Rules, these proposed amendments add a reference to standards for residency programs in the list of referenced and incorporated materials in Section 250.160(a)(1). These standards for residency programs are referenced in Section 250.315, which was adopted effective February 15, 1990.

The Department anticipates adoption of these proposed amendments approximately six to nine months after the publication of this notice in the Illinois Register.

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- 6) Will these Proposed Amendments Replace an Emergency Rule Currently in Effect? No.
- 7) Does this Rulemaking contain an Automatic Repeal Date? No.
- 8) Do these Proposed Amendments Contain Incorporations By Reference? No.
- 9) Are there any other Proposed Amendments Pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking neither creates nor expands a state mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Proposed Rulemaking:

Interested persons may present their comments concerning these rules by writing to Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, within 45 days after this edition of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address. Any small business (as defined in Section 3.10 of the Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rule was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected: Hospitals, Physicians

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

No additional reporting, bookkeeping or other procedures are required for compliance.

D) Types of Professional Skills Necessary for Compliance:

No additional professional skills are necessary for compliance.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250
HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section	Application for and Issuance of an Initial Permit to Establish a Hospital
250.110	
250.120	Application for and Issuance of a License to Operate a Hospital
250.130	Administration by the Department
250.140	Hearings
250.150	Definitions
250.160	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION AND PLANNING

Section	The Governing Board
250.210	
250.220	Accounting
250.230	Planning
250.240	Admission and Discharge -- General
250.250	Visiting Rules
250.260	Patients' Rights
250.270	Manuals of Procedure

SUBPART C: THE MEDICAL STAFF

Section	Organization
250.310	
250.315	Supervision of House Staff Members
250.320	Admission and Supervision of Patients
250.330	Orders for Medications and Treatments
250.340	Availability for Emergencies

SUBPART D: PERSONNEL SERVICE

Section	Organization
250.410	
250.420	Personnel Records
250.430	Duty Assignments
250.440	Education Programs
250.450	Personnel Health Requirements
250.460	Benefits

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SUBPART E: LABORATORY

Section	Laboratory Services
250.510	
250.520	Blood and Blood Components
250.525	Designated Blood Donor Program
250.530	Proficiency Survey Program
250.540	Laboratory Personnel
250.550	Western Blot Assay Testing Procedures

SUBPART F: RADIOLOGICAL SERVICES
(Relating to Radiology or Nuclear Radiation)

Section	General Diagnostic Procedures and Treatments
250.610	
250.620	Radioactive Isotopes
250.630	General Policies and Procedures Manual

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

Section	Classification of Emergency Services
250.710	
250.720	General Requirements
250.725	Notification of Paramedics and Ambulance Personnel
250.730	Community or Area-wide Planning
250.740	Disaster and Mass Casualty Program
250.750	Emergency Services for Sexual Assault Victims

SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

Section	Applicability of Other Parts of These Requirements
250.810	
250.820	General
250.830	Classifications of Restorative and Rehabilitation Services
250.840	General Requirements for all Classifications
250.850	Specific Requirements for Comprehensive Physical Rehabilitation Services
250.860	Medical Direction
250.870	Nursing Care
250.880	Additional Allied Health Services

SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section	Nursing Services
250.910	
250.920	Organizational Plan
250.930	Role in hospital planning

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250.940 Job descriptions
 250.950 Nursing committees
 250.960 Specialized nursing services
 250.970 Nursing Care Plans
 250.980 Nursing Records and Reports
 250.990 Unusual Incidents
 250.1000 Meetings
 250.1010 Education Programs
 250.1020 Licensure
 250.1030 Policies and Procedures
 250.1040 Patient Care Units
 250.1050 Equipment for Bedside Care
 250.1060 Drug Services on Patient Unit
 250.1070 Care of Patients
 250.1080 Admission Procedures Affecting Care
 250.1090 Sterilization and Processing of Supplies
 250.1100 Infection Control

SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

Section
 250.1210 Surgery
 250.1220 Surgery Staff
 250.1230 Policies & Procedures
 250.1240 Surgical Privileges
 250.1250 Surgical Emergency Care
 250.1260 Operating Room Register
 250.1270 Surgical Patients
 250.1280 Equipment
 250.1290 Safety
 250.1300 Operating Room
 250.1305 Visitors in Operating Room
 250.1310 Cleaning of Operating Room
 250.1320 Regulations for Postoperative Recovery Facilities

SUBPART K: ANESTHESIA SERVICES

Section
 250.1410 Anesthesia Service

SUBPART L: RECORDS AND REPORTS

Section
 250.1510 Medical Records
 250.1520 Reports

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SUBPART M: FOOD SERVICE

Section
 250.1610 Dietary Department Administration
 250.1620 Facilities
 250.1630 Menus and Nutritional Adequacy
 250.1640 Diet Orders
 250.1650 Frequency of Meals
 250.1660 Therapeutic (Modified) Diets
 250.1670 Food Preparation and Service
 250.1680 Sanitation

SUBPART N: HOUSEKEEPING AND LAUNDRY SERVICES

Section
 250.1710 Housekeeping
 250.1720 Garbage, Refuse and Solid Waste Handling and Disposal
 250.1730 Insect and Rodent Control
 250.1740 Laundry Service
 250.1750 Soiled linen
 250.1760 Clean Linen

SUBPART O: MATERNITY AND NEONATAL SERVICE

Section
 250.1810 Applicability of other Parts of these regulations
 250.1820 Maternity and Neonatal Service Regulations (Perinatal Service)
 250.1830 General Requirements for all Maternity Departments
 250.1840 Discharge of Newborn Infants from Hospital
 250.1850 Rooming-In Care of Mother and Infant
 250.1860 Special Programs
 250.1870 Single Room Maternity Care

SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL PLANT, SITE, EQUIPMENT, AND SYSTEMS -- HEATING, COOLING, ELECTRICAL, VENTILATION, PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL.

Section
 250.1910 Maintenance
 250.1920 Emergency electric service
 250.1930 Water Supply
 250.1940 Ventilation, Heating, Air Conditioning, and Air Changing Systems
 250.1950 Grounds and Buildings Shall be Maintained
 250.1960 Sewage, Garbage, Solid Waste Handling and Disposal
 250.1970 Plumbing
 250.1980 Fire and Safety

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SUBPART Q: CHRONIC DISEASE HOSPITALS

Section
250.2010
250.2020

Definition
Requirements

SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE

Section
250.2110
250.2120
250.2130
250.2140

Service Requirements
Personnel Required
Facilities for Services
Pharmacy and Therapeutics Committee

SUBPART S: PSYCHIATRIC SERVICES

Section
250.2210
250.2220
250.2230
250.2240
250.2250
250.2260
250.2270
250.2280
250.2290

Applicability of other Parts of these Regulations
Establishment of a Psychiatric Service
The Medical Staff
Nursing Service
Allied Health Personnel
Staff and Personnel Development and Training
Admission, Transfer and Discharge Procedures
Care of Patients
Special Medical Record Requirements for Psychiatric Hospitals and Psychiatric Units of General Hospitals or General Hospitals Providing Psychiatric Care
Diagnostic, Treatment and Physical Facilities and Services

250.2300

SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

Section
250.2410
250.2420
250.2430
250.2440
250.2450
250.2460
250.2470
250.2480
250.2490
250.2500

Applicability of these Standards
Submission of Plans for New Construction, Alterations or Additions to Existing Facility
Preparation of Drawings and Specifications -- Submission Requirements
General Hospital Standards
Details
Finishes
Structural
Mechanical
Plumbing and Other Piping Systems
Electrical Requirements

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SUBPART U: CONSTRUCTION STANDARDS FOR EXISTING HOSPITALS

Section
250.2610
250.2620
250.2630
250.2640
250.2650
250.2660
250.2670
250.2680

Applicability of these Standards
Codes and Standards
Existing General Hospital Standards
Details
Finishes
Mechanical
Plumbing and Other Piping Systems
Electrical Requirements

SUBPART V: SPECIAL CARE AND/OR SPECIAL SERVICE UNITS

Section
250.2710

Special Care and/or Special Service Units

SUBPART W: ALCOHOLISM AND INTOXICATION TREATMENT SERVICES

Section
250.2810
250.2820
250.2830
250.2840

Applicability of Other Parts of These Requirements
Establishment of an Alcoholism and Intoxication Treatment Service
Classification and Definitions of Service and Programs
General Requirements for all Hospital Alcoholism Program Classifications

250.2850
250.2860
250.2870
250.2880

The Medical and Professional Staff
Medical Records
Referral
Client Legal and Human Rights

ILLUSTRATION A

APPENDIX A Seismic Zone Map

EXHIBIT A Codes (Repealed)

EXHIBIT B Standards (Repealed)

EXHIBIT C Addresses of Sources (Repealed)

TABLE A Measurements Essential for Level I, II, III Hospitals

TABLE B Sound Transmission Limitations in General Hospitals

TABLE C Filter Efficiencies for Central Ventilation and Air Conditioning Systems in General Hospitals

TABLE D General Pressure Relationships and Ventilation of Certain Hospital Areas

TABLE E Piping Locations for Oxygen, Vacuum and Medical Compressed Air

TABLE F General Pressure Relationships and Ventilation of Certain Hospital Areas

TABLE G Insulation/Building Perimeter

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AUTHORITY: Implementing and authorized by the Hospital Licensing Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 142 et seq.)

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 5964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. _____, effective February 15, 1990; amended at 14 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

SUBPART A: GENERAL

Section 250.160 Incorporated and Referenced Materials

- a) The following regulations, standards, and statutes are incorporated or referenced in this Part:

- 1) Private and professional association standards:

- A) American Society for Testing and Materials (ASTM), Standard No. E90 (1975): Recommended Practice for Laboratory Measurement of Airborne Sound Transmission Loss of Building Floors and Walls, which may be obtained from the American

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 250.160(a)(1)(A) (continued)

Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103. [See Section 250.2420(d)].

- B) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Standard No. 52-68 (1968): Methods of Testing Air Cleaning Devices Used in General Ventilation for Removing Particulate Matter, which may be obtained from the National Association of American Society of Heating, Refrigerating, and Air Conditioning, United Engineering Center, 345 East 47th Street, New York, New York 10017. [See Section 250.2660(b)(2)(F)].

- C) The Compressed Gas Association (CGA), Pamphlet P-2.1 (1970): Standard for Medical-Surgical Vacuum Systems in Hospitals, which may be obtained from the Compressed Gas Association, 500 Fifth Avenue, New York, New York 10036. [See Section 250.2490(g) and (h)].

- D) National Fire Protection Association (NFPA), Standard No. 101 (1981): Life Safety Code [See Sections 250.2420, 250.2450, 250.2460, 250.2470, and 250.2490] and the following standards, which may be obtained from the National Fire Protection Association, Batterymarch Park, Massachusetts 02269.

- i) No. 10 (1978): Installation of Portable Fire Extinguishers. [See Section 250.1980(i)].
- ii) No. 13 (1980): Sprinkler Systems [See Sections 250.2490(k) and 250.2670(h)(1)].
- iii) No. 13A (1980): Sprinkler Systems Maintenance. [See Sections 250.2490(k) and 250.2670(h)(1)].
- iv) No. 14 (1980): Standpipe and Hose Systems. [See Sections 250.2490(k)(2) and 250.2670(h)(2)].
- v) No. 30 (1981): Flammable and Combustible Liquids Code. [See Section 250.1980(d)].
- vi) No. 56A (1978): Inhalation Anesthetics [See Sections 250.1410(i), 250.1980(d), and 250.2460(c)].

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Section 250.160(a)(1)(D) (continued)

- vii) No. 56F (1977): Non-flammable Medical Gases Systems. [See Sections 250.1410(i), 250.1980(d), and 250.2490(f)].
 - viii) No. 70 (1984): National Electrical Code. [See Sections 250.2440 and 250.2500].
 - ix) No. 80 (1979): Fire Doors and Windows. [See Section 250.2450(i)].
 - x) No. 82 (1977): Incinerators and Rubbish Handling. [See Section 250.2440(m)(8)].
 - xi) No. 90A (1978): Installation of Air Conditioning and Ventilating Systems. [See Section 250.2660(b)(2)].
 - xii) No. 96 (1980): Vapor Removal Cooking. [See Section 250.2660(b)(2)(M)].
 - xiii) No. 220 (1979): Standard Types of Building Construction. (See Sections 250.2470(c)(3) and 250.2620(b)).
 - xiv) No. 701 (1977): Fire Tests for Flame-Resistant Textiles and Films. [See Sections 250.2460(a) and 250.2650(a)].
- E) American Academy of Pediatrics, "Standards and Recommendations for Hospital Care for Newborn Infants." (1985), which may be obtained from the American Academy of Pediatrics, 141 Northwest Point Road, Elk Grove Village, Illinois 60007. [See Section 250.1820].
- F) American College of Obstetricians and Gynecologists, Standards for Obstetric-Gynecologic Services, Sixth Edition (1985) and Manual of Standards (1985), which may be obtained from the American College of Obstetricians and Gynecologists, 600 Maryland Avenue SW, Suite 300 East, Washington, D.C. 20024. [See Section 250.1820].
- G) National Council on Radiation Protection (NCRP), Report No. 33: Medical X-ray and Gamma Ray Protection for Energies up to 10 MeV Equipment Design and Use (1968), and Report No. 49: Medical X-ray and Gamma Ray Protection for Energies up to 10 MeV Structural Shielding Design and Evaluation

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Section 250.160(a)(1)(G) (continued)

- (1976), which may be obtained from the National Council on Radiation Protection and Measurement, P.O. Box 30175, Washington, D.C. 20014. [See Section 250.2450(t)].
 - H) DOP Penetration Test Method MIL STD No. 282 (1976): Filter Units, Protective Clothing, Gas-mask Components and Related Products: Performance Test Methods, which may be obtained from Naval Publications and Form Center, 5801 Tabor Avenue, Philadelphia, Pennsylvania 19120. [See Section 250.2480(e)].
 - I) National Association of Plumbing-Heating-Cooling Contractors (PHCC), National Standard Plumbing Code (1957), which may be obtained from the National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street, N.W., Washington, D.C. 20036. [See Section 250.2420(d)].
 - J) International Conference of Building Officials (ICBO), Uniform Building Code: Volume 1 (1979); which may be obtained from the International Conference of Building Officials, 5360 South Workman Road, Whittier, California 90601. [See Section 250.2420(d)].
 - K) American Standards Association, Inc., Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped (1968); which may be obtained from the American Standards Association, Inc., East 40th Street, New York, New York 10016. [See Section 250.2420(d)].
 - L) Underwriters Laboratories, Inc. (UL), Publication No. 181 (1974): Air Ducts; which may be obtained from Underwriters Laboratories, Inc., 207 East Ohio Street, Chicago, Illinois 60611. [See Section 250.2420(d)].
 - M) Accreditation Council for Graduate Medical Education, Essentials of Accredited Residencies in Graduate Medical Education (1990), which may be obtained from the Accreditation Council for Graduate Medical Education, 535 North Dearborn Street, Chicago, Illinois 60610. [See Section 250.315(b)].
- 2) Federal Government Publications:
- A) Department of Health and Human Services, United States

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Section 250.160(a)(2)(A) (continued)

Public Health Service, Center for Disease Control, "Isolation Techniques for Use in Hospitals." [See Section 250.1100(a)].

- B) Department of Health and Human Services, Bureau of Quality Assurance, "Federal Proficiency Examination Program For Clinical Laboratory Technologists." [See Section 250.540(b)].

- C) National Bureau of Standards, "Technical Note 708, Appendix II: Test Method for Measuring the Smoke Generation Characteristics of Solid Materials." [See Section 250.2420(d)].

3) State of Illinois Statutes:

- A) Hospital Licensing Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 1151 et seq.)
- B) Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 142 et seq.)
- C) Medical Practice Act (Ill. Rev. Stat. 1985, ch. 111, par. 4401 et seq.)
- D) "An Act to regulate the practice of podiatry in Illinois" (Ill. Rev. Stat. 1985, ch. 111, par. 4901 et seq.)
- E) Pharmacy Practice Act (Ill. Rev. Stat. 1985, ch. 111, par. 4001 et seq.)
- F) Physician's Assistants Practice Act (Ill. Rev. Stat. 1985, ch. 111, par. 4752 et seq.)
- G) Illinois Clinical Laboratory Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 622-101 et seq.)
- H) "An Act concerning the retention for use in litigation of x-ray or Roentgen films of the human anatomy" (Ill. Rev. Stat. 1985, ch. 111 1/2 par. 157-11 et seq.)
- I) "An Act to require the registration of radiation installations as herein defined, to authorize the Department of Public Health to investigate and inspect all radiation installations in this State, to provide

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Section 250.160(a)(3)(I) (continued)

injunctive relief and penalties for violations of this Act, and to make an appropriation therefor" (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 194 et seq.)

- J) Safety Glazing Materials Act (Ill. Rev. Stat. 1985, ch. 111 1/2, pars. 3101 et seq.)

- K) Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1985, ch. 91 1/2, pars. 1-100 et seq.)

4) State of Illinois Rules:

- A) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890).
- B) Department of Public Health, Treatment of Sexual Assault Victims (77 Ill. Adm. Code 545).
- C) Department of Public Health, Control of Communicable Diseases (77 Ill. Adm. Code 690).
- D) Department of Public Health, Food Service Sanitation (77 Ill. Adm. Code 750).
- E) Department of Public Health, Sanitary Practice for Drinking Water, Sewage Disposal and Restroom Facilities (77 Ill. Adm. Code 895).
- F) Capital Development Board, Accessibility Standards Illustrated (71 Ill. Adm. Code 400).
- G) State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120).
- H) State Fire Marshal, Fire Prevention and Safety (41 Ill. Adm. Code 100).
- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations in this Part refer to the regulations or standards on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source: Amended at 14 Ill. Reg. ____, effective ____)

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SUBPART O: MATERNITY AND NEONATAL SERVICE

Section 250.1870 Single Room Maternity Care

a) Hospitals may establish a single room maternity care program in compliance with this Section. The single room maternity care program may include the hospital's entire maternity service or a specific portion of the hospital's maternity service.

b) General Description

1) A single room maternity care program provides labor, delivery, recovery, and postpartum care for a mother in a single room. The combination of functions in a single room is designed to reduce the movement of the mother within the hospital.

2) The single room maternity care program must be coordinated with other maternity services of the hospital. Facilities for emergency Cesarean deliveries must be available. Single rooms may be used for all levels of maternity care, other than Cesarean deliveries, based on the hospital's program.

3) Rooms used for single room maternity care must include facilities for care of the infant during delivery and immediately after birth. Such rooms may also include facilities for rooming-in care of the infant.

c) Program Establishment

1) The single room maternity service program shall be submitted to the Department as an amendment to the hospital's maternity and neonatal services plan. The amendment shall include all of the policies and procedures for operation of the program which are required by this Section.

2) The program shall be approved by the Board of the hospital prior to submission to the Department.

3) Architectural plans for any remodeling or changes in room functions which are required for operation of the program shall be submitted to the Department for review as provided in Section 250.2420.

4) Any increases or decreases in the number of beds in the hospital's maternity service which occur as a result of the establishment of a single room maternity care program may also

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Section 250.1870(c)(4) (continued)

require the approval of the Illinois Health Facilities Planning Board. Refer to the rules of the Illinois Health Facilities Planning Board at 77 Ill. Adm. Code 1100 and 1110.

5) The hospital shall not implement the program prior to approval of the program and any architectural plans by the Department.

d) Designation of Rooms. The single room maternity care program shall specify the specific rooms which will be used for single room maternity care. These rooms may be used as patient rooms for other maternity patients in the maternity unit at times when they are not being used for single room maternity care.

e) Staffing Requirements

1) The program shall include a staffing plan which meets the staffing requirements of Section 250.1830(f) and meets the nursing needs of the patients.

2) The program shall include provisions for specialized orientation and training for nurses and other health care personnel in the operation of the single room maternity care program, including the care of both mothers and infants.

f) Visiting Requirements. The program shall include specific policies and procedures concerning visiting. These policies and procedures shall include the following:

1) A requirement that the consent of the mother and the physician be obtained for each visitor who will be permitted in the room during delivery.

2) Provisions for prior orientation and education for visitors who will be permitted in the room during delivery.

3) A requirement for gowning and handwashing by all visitors who are present in the room during delivery.

4) Provisions for visiting during labor, recovery, and postpartum care of the mother which comply with Section 250.1830(k).

5) Provisions for visiting during rooming-in of the infant which comply with Section 250.1850.

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Section 250.1870 (continued)

g) Physical Plant Requirements

1) Each room used for single room maternity care shall be a single patient room. Rooms for multiple patients are not permitted.

2) Minimum Room Sizes

A) In newly constructed maternity units and in maternity units which undergo any remodelling which includes the relocation of any patient room walls, each room used for single room maternity care shall include a minimum dimension of twelve feet and a minimum clear area of 250 square feet.

B) In maternity units which are converting patient rooms to single room maternity care without any remodelling which includes the relocation of any patient room walls, any patient room which meets all of the following requirements may be used for single room maternity care:

i) Contains not less than 220 square feet of clear area and a minimum dimension of not less than ten feet.

ii) Complies with the physical plant requirements for semi-private postpartum rooms on [the effective date of these amendments].

iii) Remains in compliance with the physical plant requirements for semi-private postpartum rooms.

C) For the purposes of this subsection, clear area shall include only useable space within the patient room and shall not include entry or vestibule areas, space required for door swings, or space for fixed, immovable furniture. The bathroom shall not be included in calculating the clear area of the patient room.

3) Staff Handwashing Sink

A) Each room used for single room maternity care shall have direct access to a handwashing sink for the exclusive purpose of staff handwashing prior to and during the delivery process. The sink may be used for other purposes at other times.

B) The staff handwashing sink must be adequate in size and

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Section 250.1870(g)(3)(B) (continued)

appropriately equipped to allow thorough handwashing.

C) The staff handwashing sink may be located in the room, in the adjacent bathroom (if the bathroom is not shared with another patient room), or directly outside the room.

4) Bathroom

A) Each room used for single room maternity care shall include a bathroom equipped with a toilet and with a shower or bathtub. The bathroom shall also include a sink, unless a sink is located in the patient room.

B) The bathroom shall be directly accessible from the patient room without going through the corridor.

C) Bathrooms may be shared by no more than two patient rooms.

5) An area for gowning by staff and visitors prior to delivery shall be provided within or immediately adjacent to each room used for single room maternity care.

6) Rooms used for postpartum care of the mother shall also comply with the patient room requirements of Section 250.2630(d)(1) or Section 250.2440(d)(1).

7) Adequate nursery facilities shall be provided when rooming-in of infants is not utilized, when individual mothers choose not to participate in rooming-in of the infant, and when intermittent rooming-in of infants is utilized.

8) Each room used for single room maternity care shall also comply with the following requirements:

A) Mechanical requirements for obstetric areas in Section 250.2480(e)(11) or Section 250.2660.

B) Electrical requirements for patient rooms in Section 250.2500 or Section 250.2680.

9) Wall, floor, and ceiling finishes shall be cleanable. All finishes shall be able to withstand cleaning and treatment with chemicals and disinfectants.

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Section 250.1870 (continued)

h) Equipment Requirements

- 1) All equipment necessary for delivery, for emergency care of the mother, for infant care, and for infant resuscitation shall be available to each room used for single room maternity care.
- 2) A complete set of delivery and infant care equipment shall be provided for every four or fewer rooms used for single room maternity care. For example: if four rooms are used, one complete set of equipment shall be provided; if five to eight rooms are used, two sets of equipment shall be provided; if nine to twelve rooms are used, three sets of equipment shall be provided.
- 3) Equipment may be stored in an equipment alcove or closet in the room, or in a separate equipment storage room. However, the equipment must be accessible for use without passing through another patient room. Each equipment storage area shall be located on the same floor and not more than 75 feet from each of the rooms served by the equipment storage area.
- 1) The policies and procedures approved by the Department in the amendment to the hospital's maternity and neonatal services plan shall be followed in the operation of the program. The program shall also be operated in accordance with all other requirements of this Part, unless specifically modified by this Section.

(Source: Added at 14 Ill. Reg. _____, effective _____)

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1) Heading of the Part:

Migrant Labor Camps

2) Code Citation:

77 Ill. Adm. Code 935

3) Section Numbers:

935.10
935.20
935.25
935.30
935.35
935.40
935.50
935.60
935.65
935.70
935.80
935.85
935.90
935.100
935.105
935.110
935.120
935.130

Proposed Action:

Amendments
Amendments
New Section
Amendments
New Section
Amendments
Amendments
New Section
Amendments
Amendments
New Section
Amendments
Amendments
New Section
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Amendments

4) Statutory Authority:

Illinois Migrant Labor Camp Law

Ill. Rev. Stat. 1987, ch. 111 1/2, par. 195.1 et seq., as amended by P.A. 86-595, effective January 1, 1990.

5) A Complete Description of the Subjects and Issues Involved:

The rules establish the minimum requirements for the operation of migrant labor camps in Illinois.

The proposed revisions provide consistency with other codes administered by the Department and also with the federal requirements. The title is changed to Migrant Labor Camp Code. The technical requirements that previously were contained in the Law have been incorporated into the Code. The specific requirements for camps that operate less than 21 days or those that provide housing for less than 10 workers or 4 families have been eliminated. All the facilities will need to meet the same requirements, but only those that accommodate 10 or more workers or 4 or more families shall be subject to licensure.

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occupancy limit and the instructions for the operation of fire extinguishers no longer need to be posted. The requirements for construction permits is added. The requirements for water supply and sewage disposal are revised to be consistent with other Department regulations. A new requirement regarding communicable disease reporting is added. The electrical and food service requirements are revised to reflect the Department's actual requirements.

The proposed revisions will eliminate the differences between the state and federal requirements for migrant labor camps. The Department is pursuing the possibility of entering into an agreement with the U.S. Department of Labor for the inspection of the migrant labor camps. If this occurs, the duplication of inspection can be eliminated.

The economic effect of the proposed rulemaking is unknown. Therefore the Department requests any information that would assist in calculating this effect.

The Department anticipates that the proposed rulemaking will become effective approximately six to nine months from the date of publication as proposed in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ☒ No ☐If "yes," please specify type: 6.02(a) ☒ or 6.02(b) _____

9) Are there any other Proposed Amendments Pending on this Part?

Yes ☐ No ☒

If Yes: _____

Section Numbers

Proposed Action

Ill. Reg. Citation

10) Statement of Statewide Policy Objectives:

The proposed amendments will have no effect on local governments.

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11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

February 5, 1990.

B) Type of Small Businesses Affected:

Owners and operators of migrant labor camps.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

Communicable diseases will be required to be reported to the Department under the provision of Section 935.105.

D) Types of Professional Skills Necessary for Compliance:

None.

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER S: MIGRANT LABOR

PART 935
MIGRANT LABOR CAMP CODE CAMPS

Section	
935.10	Administration
935.20	Definitions
935.25	Incorporated Materials
935.30	General Requirements
935.35	Permits
935.40	Camp Sites
935.50	Water Supply
935.60	Sewage Disposal
935.65	Required Sanitary Facilities
935.70	Food Preparation, Storage and Eating Facilities
935.80	Solid Waste Disposal
935.85	Electrical
935.90	Mechanical Lighting and Heating
935.100	Fire Protection
935.105	Communicable Disease Reporting
935.110	Exempt Establishments Requirements for Camps Licensed to Operate Less Than an Aggregate of 21 Days Per Calendar Year
935.120	Inspections and Variances
935.130	Complaints

AUTHORITY: Implementing and authorized by the Illinois Migrant Labor Camp Law (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 185.1 et seq., as amended by P.A. 86-595, effective January 1, 1990).

SOURCE: Filed June 20, 1972, effective January 1, 1973; old rules repealed; new rules adopted and codified at 7 Ill. Reg. 16436, effective November 23, 1983; amended at 14 Ill. Reg. _____, effective _____.

Section 935.10 Administration

The administration of this Act is the responsibility of the Department of Public Health. The Act, along with this Part, provide for the licensing and regulation of migrant labor camps Migrant-Labor-Camps.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 935.20 Definitions

In addition to the definitions contained in the Illinois Migrant Labor Camp

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Law, the following definitions shall apply: For the purpose of this Part:
"Act" means the Illinois Migrant Labor Camp Law (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 185.1 et seq.) and the amendments thereto.

"Department" means the Illinois Department of Public Health.

"Community Water System" means a public water system which serves at least 15 service connections used by residents or serves at least 25 residents for at least 60 days a year.

"Family" shall include the mother, father and dependent children under 18 years of age.

"Service-rooms" include such ancillary structures as laundry and dining-rooms, but excludes such structures as privies and storage sheds.

"Major Alteration" means the construction of a new potable water system, sewage disposal system, food service establishment, electrical distribution system or permanent sleeping structure.

"Major Extension" means an increase of ten percent or more in a one year period of the capacity of the potable water system, sewage disposal system, food service establishment, electrical distribution system or permanent sleeping structure.

"Non-Community Water System" means a public water system that is not a community water system, that has at least 15 service connections used by non-residents, or serves 25 or more non-resident individuals daily for at least 60 days a year.

"Public Water System" means a system for the provision to the public of piped water for human consumption, if the system has at least 15 service connections or serves an average of at least 25 individuals daily at least 60 days per year. The term Public Water System includes any collection, treatment, storage and distribution facilities under control of the operator of such system and any collection or pretreatment storage facilities not under such control which are used in connection with such system.

"Special Flood Hazard Area" means an area that would be inundated by the base flood and shown as such on either a Regulatory Flood Plain Map (published by the Illinois Department of Transportation's Division of Water Resources), a Flood Insurance Rate Map or a Flood Hazard Boundary Map, both published by the Federal Insurance Administration or the Federal Emergency Management Agency.

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(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 935.25 Incorporated Materials

a) State Regulations

- 1) 35 Ill. Adm. Code 601, 602, 603, 604, 605, 606, and 607, promulgated by the Illinois Pollution Control Board. (Section 935.50(b)(1))
- 2) 35 Ill. Adm. Code 651, 652, 653 and 654, promulgated by the Illinois Environmental Protection Agency. (Section 935.50(b)(1))
- 3) Control of Communicable Diseases Code, 77 Ill. Adm. Code 690, promulgated by the Illinois Department of Public Health. (Section 935.105)
- 4) Food Service Sanitation Code, 77 Ill. Adm. Code 750, promulgated by the Illinois Department of Public Health. (Section 935.70(a))
- 5) Illinois Plumbing Code, 77 Ill. Adm. Code 890, promulgated by the Illinois Department of Public Health. (Sections 935.35(b)(9) and 935.35(d))
- 6) Drinking Water Systems Code, 77 Ill. Adm. Code 900, promulgated by the Illinois Department of Public Health. (Sections 935.50(a), (b)(2), (c)(2) and (3) and (c))
- 7) Private Sewage Disposal Code, 77 Ill. Adm. Code 905, promulgated by the Illinois Department of Public Health. (Section 935.60(a)(1), (2) and (3))
- 8) Illinois Water Well Construction Code, 77 Ill. Adm. Code 920, promulgated by the Illinois Department of Public Health. (Section 935.50(b)(3))
- 9) Illinois Water Well Pump Installation Code, 77 Ill. Adm. Code 925, promulgated by the Illinois Department of Public Health. (Section 935.35(b)(3))
- 10) Surface Source Water Treatment Code, 77 Ill. Adm. Code 930, promulgated by the Illinois Department of Public Health. (Section 935.35(b)(4))
- 11) Rules of Practice and Procedure in Administrative Hearings, 77 Ill. Adm. Code 100, promulgated by the Department of Public Health. (Section 935.130(f))

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b) State Statutes

- 1) Illinois Plumbing License Law, Ill. Rev. Stat. 1987, ch. 111, par. 1101 et seq. (Section 935.50(d))
- 2) Private Sewage Disposal Licensing Act, Ill. Rev. Stat. 1987, ch. 111 1/2, par. 116.301 et seq. (Section 935.60(b))
- 3) The Space Heating Safety Act, Ill. Rev. Stat. 1987, ch. 127 1/2, par. 701 et seq. (Section 935.90(c))
- 4) Smoke Detector Act, Ill. Rev. Stat. 1987, ch. 127 1/2, par. 801 et seq. (Section 935.100(d))
- 5) "AN ACT prescribing the color and label for gasoline or benzol receptacles," Ill. Rev. Stat. 1987, ch. 127 1/2, par. 151 et seq. (Section 935.100(c))
- 6) "AN ACT to regulate the storage, transportation, sale and use of gasoline and volatile oils," Ill. Rev. Stat. 1987, ch. 127 1/2, par. 153 et seq. (Section 935.100(c))
- 7) Illinois Migrant Labor Camp Law, Ill. Rev. Stat. 1987, ch. 111 1/2, par. 185.1 et seq.

c) Other Materials

National Electrical Code, 1990 Edition, published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269. A copy of this Code is on file in the central and regional offices of the Illinois Department of Public Health. (Section 935.85(a) and (b))

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 935.30 General Requirements

- a) Housing Unit Identification. The camp operator shall post on the front of each housing unit a permanent and legible number or letter. (for example: 1, 2, 3; letter. (for example: a, b, c); or some other suitable form of identification agreed upon between the licensee and the Department.
- b) Occupancy List.
 - 1) Each camp operator shall maintain a current list of all individuals ~~workers and families~~ residing in the camp and the

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housing unit they occupy. ~~The list shall contain at a minimum the following information:~~

- A) ~~Name of each occupant;~~
- B) ~~Housing Unit;~~
- 2) The list shall be kept by the camp operator and shall be available for inspection by the Department upon request at all times.
- 3) The Department shall establish the a maximum capacity for each housing dwelling unit located in a licensed camp.
- e) ~~Occupancy Limits--The camp operator shall post in the vicinity of the front door of each housing unit, the authorized occupancy limit for the unit;~~
- cd) Unapproved Housing Units. Housing units that are not approved for habitation shall be so posted in English and the native language of the occupants with forms provided by the Department. The entrances to such non-approved housing units shall be sealed or locked at all times except during periods of reconstruction or repair.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 935.35 Permits

- a) General. Section 8 of the Act requires that plans be submitted to the Department and approved prior to constructing a new migrant labor camp or performing a major alteration on major extension to an existing migrant labor camp.
- b) Plans. Two sets of plans showing the following information shall be submitted to the Department to obtain a construction permit:
 - 1) Identification of the migrant labor camp involved and the person or organization preparing the drawings and specifications.
 - 2) A statement describing the scope of the work proposed and the anticipated time schedule.
 - 3) A plan showing location of all structures and improvements.
 - 4) Drawings and/or specifications for proposed buildings or structures that include all structural components and material specifications.

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- 5) Detailed drawings and specifications of proposed potable water source and distribution system, and a general drawing showing distances between components of the potable water system and sources of potential contamination.
- 6) Detailed drawings and specifications of proposed sewage system construction, and a general arrangement drawing showing distances between components of the sewage system and potable water systems or bodies of surface water, data showing estimated volume of sewage flow and soil percolation rates for absorption fields. Where a permit has been obtained or applied for from the Environmental Protection Agency or a unit of local government for construction of a sewage disposal system, a copy of the permit or permit application shall be submitted.
- 7) Detailed drawings and specifications for proposed food service establishment construction showing interior construction of the building, floors, walls and ceiling, as well as details of food handling equipment to be installed.
- 8) Drawings of proposed electrical distribution system construction showing general arrangement, size and type of wiring, method of grounding, over-current protection and type of equipment.
- 9) Drawings of proposed sewer and water piping within buildings showing size and location of piping, fittings, and fixtures, as well as materials of construction, in accordance with the Illinois Plumbing Code (77 Ill. Adm. Code 890).
- 10) The maximum number of persons intended to occupy any new or remodeled housing unit shall be specified. This figure shall not exceed the capacity of the water and sewage systems provided.
- c) Flood Hazard. Prior to the issuance of a construction permit, the permit applicant shall submit a completed "Special Flood Hazard Area Request Form" provided by the Department. If the site is within a Special Flood Hazard Area, the applicant shall forward to the Illinois Department of Transportation's Division of Water Resources the plans for the project. No project to be located in a Special Flood Hazard Area shall be issued a permit without a statement or a copy of the statement from the Division of Water Resources that the construction complies with the requirements of Executive Order Number IV dated May 31, 1979. Construction of such items as water wells, septic tanks, underground utilities, light poles, pavilions, playground equipment, sidewalks and driveways as specified in Statewide Permit Number 6 issued by the Illinois Department of Transportation, Division of Water Resources, May 13, 1983 are exempt

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from the above requirements.

- d) Local Approval. Prior to construction of a new camp, major alteration or major extension of an existing camp, permits and zoning approval required by local health departments and zoning boards as well as other governmental units having jurisdiction shall be obtained.
- e) Existing Facilities. A permit is not required when existing facilities are utilized to activate a migrant labor camp. Plans indicating the general location of all structures and utilities shall be submitted to the Department. The existing facilities will be inspected by the Department for compliance with this Part. Any violations identified during the inspection of the facilities shall be corrected, and the facilities shall be brought into essential compliance with this Part prior to the issuance of a license.
- f) Repairs. A permit is not required to repair a facility in a licensed migrant labor camp or to correct a violation of this Part when such repair or correction is made to an existing facility and does not result in expansion of any existing appurtenance or structure.
- g) Minor Extension and Alterations. Construction at a migrant labor camp less than a major extension or major alteration shall not require a permit. However, prior to initiating construction, the applicant shall advise in writing the regional office of the Department which serves the camp of the scope of the alteration. Appendix A contains the addresses of the regional offices.
- h) EPA Approval. The construction of all community water supply systems and those surface discharge sewage disposal systems with flows greater than 1,500 gallons per day requires a construction permit from the Illinois Environmental Protection Agency.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 935.40 Camp Sites

- a) Camp Location Sites. Camp sites shall be well drained, free of weeds, insects and obnoxious odors and also free from depressions in which water may stand. Waterat-sink-holes, ponds, pools, or other surface-collectors-of-water-shall-be-drained, filled-or-treated-to prevent-mosquito-breeding. Housing units shall not be located within 200 feet of swamps, sink holes, or other surface collections of water unless mosquito control measures are undertaken. The site location shall not create hazardous traffic conditions. Each site shall be of a size to permit the spacing of buildings and vehicles to minimize fire hazards. All housing units and areas where food is

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prepared or served shall be located at least 500 feet from livestock areas.

- b) Livestock-Improvement-Areas. Livestock-improvement-areas-and-related buildings-shall-be-property-maintained-and-kept-free-of-odors-and insects.--The removal-of-manure-and-animal-wastes-shall-be-required.
- t) New-camp-structures-shall-be-located-at-least-500-feet-from-livestock-areas-and-in-such-a-manner-as-not-to-create-a-nuisance-or-health-hazard-to-the-residents-as-determined-by-an-inspection-pursuant-to-Section-935.120(a)-of-this-Part.
- 2) It-is-recommended-that-existing-camp-structures-also-be-located-at-least-500-feet-from-livestock-areas.--Existing-camp structures-shall-be-so-located-as-not-to-create-a-nuisance-or health-hazard-as-determined-by-an-inspection-pursuant-to-Section-935.120(a)-of-this-Part.
- b) Maintenance of Camps. The camp shall be kept free of debris, tall vegetation, and abandoned equipment.
- e) Shelters.--Walls-and-floors-shall-be-of-tight, durable-material. When-composition-materials-are-used-for-outer-walls, they-shall-be-backed-by-no-less-than-5/16"-durable, weather-resistant-material.-- Floors-shall-be-of-an-impervious-material.--Newly-constructed-shelters-shall-have-interior-walls-that-are-structurally-sound, smooth-and-clean-so-as-to-ensure-compliance-with-Section-5-2-of-the Act.--Existing-facilities-with-exposed-studs-and-rafters-will-be acceptable-provided-they-can-be-maintained-in-a-smooth, sound-and-clean-condition.--Any-area-subject-to-splash-shall-be-of-an-impervious-material.

c) Housing Units.

- 1) All structures intended for occupancy shall be structurally sound, be maintained to support the wind and snow loads and shall be waterproof.
- 2) All floors shall be of an impervious non-absorbent material that can be cleaned. The top of wooden floors shall be at least 12 inches above the ground level.
- 3) All walls and ceilings shall be of a smooth finish that can be cleaned with soap and water. Any area subject to splash shall be of an impervious material. Exposed studs and rafters are acceptable only for housing units occupied prior to January 1, 1990. All habitable rooms shall have a minimum 7 foot high ceiling.

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- 4) Each room used for sleeping purposes shall contain at least 50 square feet of floor space per occupant. A minimum of 100 square feet per person shall be provided in combined cooking and sleeping rooms.
- 5) All rooms except toilet rooms shall be provided with windows, the total area of which shall be not less than one-tenth of the floor area. At least one-half of each window shall be so constructed that it can be opened for purposes of ventilation.
- 6) All exterior openings shall be effectively screened with 16-mesh material. All screen doors shall be equipped with self-closing devices.
- 7) Beds, cots, or bunks, and suitable storage facilities such as wall lockers, closets or dressers for clothing and personal articles shall be provided in every room used for sleeping purposes. Such beds or similar facilities shall be spaced at least 36 inches both laterally and end to end, and shall be elevated at least 12 inches from the floor. If double deck bunks are used, they shall be spaced at least 48 inches both laterally and end to end. The minimum clear space between the lower and upper bunk shall be at least 27 inches. Triple-deck bunks are prohibited.
- 8d) ~~Separate-Quarters.~~ Separate quarters shall be provided for each sex except in the case of family living quarters. A the partitioned sleeping area for the husband and wife shall be enclosed from the floor to a height of at least six feet, with a gap not to exceed four (4) inches at the floor being allowable. The entrance to the sleeping quarters shall be equipped with a curtain or door.

e) ~~Screening--Shelters-or-facilities-for-habitation-shall-be-screened at-all-times-during-seasons-when-flies-or-other-insects-are prevalent--Screening-shall-be-no-less-than-16-mesh-per-inch--Door openings-shall-be-screened-and-screen-doors-shall-be-self-closing.~~

d) ~~Bed-and Bedding~~

- 1) The licensee shall be responsible for maintaining all Att bedding which he provides shall-be-maintained in a clean and sanitary condition.
- 2) Sheets and pillow cases, when provided, shall be laundered at least once each week and before use by each new worker.

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- 3) Blankets, when provided, shall be washed as often as necessary to maintain cleanliness, and at least annually.
- 4) Mattresses shall be provided and shall be covered with removable covers which shall be washed before use by each new worker. If when mattresses and pillows become-dirty-and cannot be properly cleaned (as-determined-pursuant-to-an-inspection-in-accordance with-Section-935.120(a), they shall be discarded.
- 5) If when mattress bags are provided, they shall be washed at least once each operating season and before use by each new worker. The mattress filling shall be changed at the time the bags are washed.
- 6) ~~When-a-complaint-of-vermin-infestation-is-made-to-the-licensee, he-will-be-responsible-for-inspection-of-the-beds,-bedding,-and-sleeping-quarters,-and-providing-extinction-services.~~

(Source: Amended at 14 Ill. Reg. ____, effective ____)

Section 935.50 Water Supply

- a) ~~Water Supply - General.~~ The water supply for drinking, culinary, laundry and bathing purposes as well as the distribution system for such water supply, shall be located, constructed, operated and maintained as required by the Department's Rules-and-Regulations-for-Drinking Water Systems Code (77 Ill. Adm. Code 900). ~~Drainage facilities-shall-be-provided-for-overflow-and-spillage.~~ The water supply shall be capable of delivering 35 gallons per person per day. Water outlets shall be distributed throughout the camp in such a manner that no housing unit is more than 100 feet from a water tap if water is not piped to the individual unit.
- b) ~~Municipal-Water-Supply.--Where-a-municipal-water-supply-is-available, such-water-shall-be-used-in-the-camp.~~
- b) Sources of potable water acceptable to the Department are as follows:
- 1) A community water system constructed, operated and sampled in accordance with 35 Ill. Adm. Code, parts 601, 602, 603, 604, 605, 606, 607, 651, 652, 653 and 654.
 - 2) A non-community public water system constructed, operated and sampled in accordance with the Department's Drinking Water Systems Code (77 Ill. Adm. Code 900).
 - 3) A water well constructed, located and operated in accordance

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with the Illinois Water Well Construction Code (77 Ill. Adm. Code 920) and the Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925).

- 4) A surface water system constructed and operated in compliance with the Department's Surface Water Treatment Code (77 Ill. Adm. Code 930).

e) Sampling. For camps not on municipal water supplies and operating for more than three months, water samples for bacteriological analysis shall be taken quarterly during the operating season with the first sample taken immediately prior to the camp's opening.

- 1) Camps operating less than three months shall be sampled once prior to camp opening for bacteriological analysis pursuant to the Department's Rules and Regulations for Drinking Water Systems (77 Ill. Adm. Code 900).

- 2) All camps shall submit water samples for nitrate analysis once during each operating season.

c) Sampling

- 1) For all migrant labor camps not connected to a community water system, Department personnel shall collect water samples for coliform bacteria, nitrate and turbidity (for surface source water systems only) analyses at the time of the pre-occupancy license inspection. Department personnel shall collect a water sample at these facilities for coliform bacteria analysis during the operational inspection of the facility.

- 2) The licensee shall be responsible for collecting and returning any additional water samples required by the Drinking Water Systems Code (77 Ill. Adm. Code 900).

- 3) Water failing to meet the quality of the Drinking Water Systems Code (77 Ill. Adm. Code 900) shall be made unavailable for use until determined to be in compliance by the Department. A water supply containing between an excess of 10 and 20 parts per million (ppm) of nitrate (N) may shall be placed and used if it is posted by the owner or operator of the migrant labor camp stating in English and in the native language of the occupants that the water shall not be used for infants less than 6 months infant under one year of age feeding. The Department shall provide the necessary placards forms.

- d) Plumbing Fixtures. All plumbing system construction or repair shall

be performed by a licensed Illinois plumber as where so required by the Illinois Plumbing License Law (Ill. Rev. Stat. 1987/1987, ch. 111, pars. 1101 et seq.), and shall be in accordance with the Department's Illinois State Plumbing Code (77 Ill. Adm. Code 890). Leaks and otherwise malfunctioning plumbing shall be repaired.

- e) Hauled Water. Hauled water may be permitted during an emergency or to supplement the existing water supply, if the requirements of the Department's Rules for Drinking Water Systems Code (77 Ill. Adm. Code 900) shall be met.

- 1) When it is necessary to haul water to supply a camp, the water shall be obtained only from an approved source of supply pursuant to the Department's Rules and Regulations for Drinking Water Systems (77 Ill. Adm. Code 900). The source shall be approved prior to its use in the camp, and the source and method of hauling water shall not be changed during the camp operating period without prior approval of the Department.

- 2) Equipment used for hauling water, including tank trucks or trailers, hoses, etc., shall be used only for hauling such potable water. In an emergency, equipment used for hauling other potable materials such as milk or syrup, may be used after cleaning and sanitization with no less than 200 ppm of free chlorine.

- 3) Equipment used for the storage of hauled water shall be cisterns, reservoirs or wood or metal tanks approved according to the Department's Rules for Drinking Water Systems. Such cisterns, reservoirs or tanks shall be cleaned and sanitized with no less than 200 ppm of chlorine immediately prior to use. The tanks shall be used for no other purpose than the storage of potable water.

- f) Bathing Facilities. Showers shall be provided with hot and cold running water on a continuous basis for migrant residents at all times. The showers shall be constructed in accordance with the Department's Illinois State Plumbing Code and shall be marked "Men" and "Women" in English and the native language of the occupants. A minimum of 25% of the available showers (at least one for each sex) if less than four are present shall be provided with movable or permanent partitions of non-absorbent material. Bath tubs may not be substituted for showers.

- g) Shower enclosures shall be drained to a municipal sewage disposal system or to a system designed, constructed and maintained in accordance with the Private Sewage Disposal Easement Act (Ill. Rev.

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State, 1981, ch. 111, § 2-116.301 et seq.} and the Department's Private Sewage Disposal Code (77 Ill. Adm. Code 910).

h) Tempered Water--Tempered water provided in bathing facilities shall be maintained at a temperature of 110°F. ± 5°F.

i) Hand-washing Facilities--All camps shall be provided with sinks or lavatories for hand-washing, either in the living quarters or in common and accessible areas within the camp.

j) One lavatory shall be provided for each 15 persons to be accommodated--Lavatories or sinks shall be connected to drains and provided with hot and cold running water.

k) Camps may provide as an alternate to the foregoing no less than one wash basin for each three persons accommodated--Hot and cold water shall be available--A funnel drain connected to the shower waste shall be provided for the disposal of waste water.

l) Dressing Room--A separate dry area shall be provided immediately adjacent to the shower facilities to serve as a dressing room and shall be separated from the shower area by a non-absorbent partition.

(Source: Amended at 14 Ill. Reg. ____, effective ____)

Section 935.60 Sewage Disposal

a) General. There shall be no discharge of sewage onto the surface of the ground, nor shall there be any escape of sewage odors from drainage systems--If available, discharge of sewage shall be to a municipal system--Private sewage disposal system shall be designed, constructed and maintained in accordance with the Department's Private Sewage Disposal Code. All sewage generated within a migrant labor camp shall discharge into a sewage disposal system approved by the Illinois Environmental Protection Agency or a private sewage disposal system designed, constructed and maintained in accordance with the Private Sewage Disposal Code (77 Ill. Adm. Code 905).

1) A construction permit must be obtained from the Department to construct a sewage disposal system designed to discharge to a subsurface seepage field or designed to discharge less than 1,500 gallons per day to the ground surface or to a body of water.

2) If a sewage disposal system is designed to discharge 1,500 or more gallons per day to the ground surface or to a body of

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water, a permit for construction must be obtained from the Illinois Environmental Protection Agency.

3) The effluent of all surface discharge sewage disposal systems shall meet the quality standards required by the Private Sewage Disposal Code (77 Ill. Adm. Code 905).

b) License Requirements. Only persons licensed pursuant to the Private Sewage Disposal Licensing Act (Ill. Rev. Stat. 1987, ch. 111 § 172, par. 116.301 et seq.) shall construct, install, repair, modify, maintain, clean or pump private sewage disposal systems.

b) Toilet Facilities--Toilet facilities shall be marked "Men" and "Women" in English and in the native language of the occupants; constructed in accordance with the Department's Illinois State Plumbing Code; and partitioned and maintained in accordance with the Department's Rules for Sanitary Practices for Drinking Water, Sewage Disposal and Restroom Facilities (77 Ill. Adm. Code 805)--Group toilet facilities, excluding urinals, shall be individually partitioned or enclosed--Where group toilet facilities are in the same structure as the bathing facilities, they shall be separated from the bathing facilities by a partition.

e) Urinals--Urinals constructed of non-absorbent materials may be substituted for men's toilet seats on the basis of one urinal or 24 inches of trough type urinal for one toilet seat up to a maximum of one third of the required toilet seats.

(Source: Amended at 14 Ill. Reg. ____, effective ____)

Section 935.65 Required Sanitary Facilities

a) Toilets

1) A water closet, chemical toilet or privy seat shall be provided for each sex in the ratio of one for each 15 persons.

2) Each toilet room shall be located so as to be accessible without any individual passing through any sleeping room. Toilet rooms shall have a window not less than 6 square feet in area opening directly to the outside area or be provided with mechanical ventilation. All outside openings shall be screened with 16-mesh material. No fixture, water closet, chemical toilet, or urinal shall be located in a room used for other than toilet purposes.

3) A toilet room shall be located within 200 feet of the door of

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each sleeping room. No privy shall be closer than 100 feet to any sleeping room, eating room, or kitchen.

- 4) Where the toilet rooms are shared, such as in multifamily shelters and in barracks type facilities, separate toilet rooms shall be provided for each sex. These rooms shall be distinctly marked "Men" and "Women" by signs printed in English and in the native language of the persons occupying the camp, or marked with easily understood pictures or symbols. If the facilities for each sex are in the same building, they shall be separated by solid walls or partitions extending from the floor to the roof or ceiling.
 - 5) Where toilet facilities serve more than one family, the number of water closets or privy seats provided for each sex shall be based on the maximum number of persons of that sex which the camp is designed to house at any one time, with a minimum of two toilets for any shared facility.
 - 6) Urinals constructed of non-absorbent materials may be substituted for men's toilet seats on the basis of one urinal for one toilet seat up to a maximum of one-third of the required toilet seats. The floor from the wall and for a distance not less than 15 inches measured from the outward edge of the urinals shall be constructed of materials impervious to moisture. Urinal troughs in privies shall drain freely into the pit or vault and the construction of this drain shall be such as to exclude flies and rodents from the pit.
 - 7) Each toilet facility shall be provided with artificial lighting equivalent to one-half watt of incandescent light per square foot.
 - 8) Toilet facilities shall be clean and free of structural damage. Refuse containers shall be provided and emptied daily.
- b) Handwashing Facilities
- 1) One handwashing basin shall be provided for each family shelter or one for each six people or fraction thereof in shared facilities.
 - 2) Liquid or powdered soap shall be provided for each handwashing basin. Bar soap can be used when the basin is for family members only.

c) Showers

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- 1) There shall be a minimum of one showerhead with hot and cold running water per 10 persons or fraction thereof.
- 2) Showerheads shall be spaced at least 3 feet apart with a minimum of 9 square feet of floor space per unit. Dry dressing space shall be provided in shower rooms. Shower floors shall be constructed of non-absorbent, non-skid materials and sloped to a floor drain. The walls shall be smooth and impervious. Except in individual family units, separate shower facilities shall be provided for each sex. When shower facilities for both sexes are in the same building they shall be separated by a solid non-absorbent wall extending from the floor to ceiling, or roof, and shall be plainly designated "men" or "women" in English and the native language of the persons expected to occupy the housing.

- 3) Showers shall be kept free of dirt and mildew.

d) Laundry Facilities

Laundry facilities, supplied with hot and cold water under pressure, shall be made available for the use of all occupants. Laundry trays or tubs shall be provided in a ratio of one per 30 persons. Mechanical washers may be provided in a ratio of one per 50 persons in lieu of laundry trays, although a minimum of one laundry tray per 100 persons shall be provided in addition to the mechanical washers.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 935.70 Food Preparation, Storage and Eating Facilities Handling--
General

All mess-halls or other rooms where food may be stored, prepared or served, other than in family quarters, shall be the responsibility of the licensee and shall meet the requirements of the Department's Rules and Regulations for Food-Service Sanitation (77 Ill. Adm. Code 750).

- a) Commercial Operations. If the food is prepared by someone other than the residents of the migrant labor camp, the facility shall be constructed and operated in accordance with the Food Service Sanitation Code (77 Ill. Adm. Code 750).
- b) Family Operations. If the food is prepared by the migrant workers or their family, the following shall be provided as a minimum:

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- 1) Cooking facilities serving individual housing units shall consist of a cookstove or hot plate with 2 burners. Cooking facilities serving several housing units shall consist of one stove to 10 persons or two families.
- 2) Potable water and a basin shall be provided.
- 3) Mechanical refrigeration for the food shall be provided.
- 4) A counter for food preparation and shelves or cabinets for the storage of food shall be provided. All food contact surfaces shall be impervious, smooth, and free of breaks, open seams, cracks, chips, pits and similar imperfections.
- 5) Tables and seating facilities shall be provided for each person.
- 6) Floors in kitchen and dining areas shall be non-absorbent and smooth. The walls adjacent to food preparation, cooking and cleaning areas shall be smooth and non-absorbent.
- c) Separation. Food preparation and eating facilities serving more than one family shall be located in a room or building separate from sleeping rooms or toilet rooms.
- d) Communicable Disease. Persons with communicable disease shall not be allowed to prepare or otherwise handle food for anyone other than themselves.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 935.80 Solid Waste Disposal

- a) General. The storage, collection and disposal of refuse produced in a camp shall be conducted so as to avoid the creation of conditions detrimental to public health, such as rodent harborage, insect-breeding areas, odors, air pollution and accidents. The camp shall be kept free of litter, abandoned equipment, and accumulations of rubbish, including flammable debris, and shall be maintained in a sanitary condition at all times.
- b) Containers. All refuse which includes garbage, rubbish, bottles and tin cans shall be stored in water-tight containers constructed of a durable, non-absorbent material and having a tight-fitting lid. Such containers shall be maintained in a sanitary condition and in good repair at all times. Containers shall be provided as needed throughout the camp. Containers shall be placed on racks with at least eight inches above clearance-off the ground or they may be

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placed on a pad of concrete or other impervious material.

- c) Collection and Disposal. Refuse shall be disposed of at a sanitary landfill approved by the Illinois Environmental Protection Agency. There must be a minimum of one collection per week.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 935.85 Electrical

- a) New Installations. Electrical wiring and appurtenances installed after January 1, 1990 shall comply with the 1990 Edition of the National Fire Protection Association's National Electrical Code.
- b) Existing Installations. Electrical wiring and appurtenances installed prior to January 1, 1990 shall comply with the following:
 - 1) The type and size of all conductors shall comply with the National Electrical Code.
 - 2) All electrical distribution systems shall be protected against over-current by circuit breakers or fuses sized for the rated capacity of the conductors. Fuses and circuit breakers shall not have a larger rating than the receptacles they protect.
 - 3) There shall not be any open ground, open neutral, open hot conductors or reversed wiring conditions.
 - 4) All electrical connections shall be in accordance with the National Electrical Code. No wiring shall be exposed that could cause personal injury.

- c) Maintenance. All electrical equipment shall be installed and maintained in accordance with the manufacturer's requirements.

- d) Lighting. Artificial lighting equivalent to one watt of incandescent light per square foot of floor area shall be provided in all rooms except toilet rooms which shall be provided an equivalent of one half watt per square foot. Exterior lighting shall be provided for the entrance to all buildings which are part of the camp.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 935.90 Mechanical Equipment Lighting and Heating

- a) Lighting and Electrical Systems. Electrical systems shall meet the minimum requirements of the National Electrical Code, 1984 National

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Fire Protection Association (NFPA):b) The following minimum lighting shall apply in the areas listed:

- 1) Reading areas --- 50-ft.-candles
- 2) Food preparation areas --- 20-ft.-candles
- 3) All other areas --- 20-ft.-candles

d) Heating and Cooking Appliances

a) Heating Equipment. All rooms except privies and storage sheds shall be provided with operable heating equipment capable of maintaining a temperature of at least 70° Fahrenheit if the camp operates when the outside temperature is below 50° Fahrenheit.

b) Installation and Maintenance. All mechanical equipment shall be installed and maintained in accordance with the manufacturer's instructions.

c) Vents. Stoves or Heating appliances, including space heaters, other than electrical and kerosene fueled, shall be vented to the atmosphere outside of the building. All metal vents, flues, or stovepipes shall be insulated with a noncombustible material at all points of contact with combustible materials in walls, ceilings, or roofs.

d) Noncombustible Slab. Electrical or fuel-fired hot plates or stoves for cooking, mounted on a table of combustible materials, shall be placed on a slab of noncombustible material extending at least 18 inches beyond the perimeter of the base of the stove or appliance.

e) Space Heaters. Portable space heaters shall have an automatic shut-off that is activated if the unit is tipped over. The requirements of the Space Heating Safety Act (Ill. Rev. Stat. 1987, ch. 127 1/2, par. 701 et seq.) shall be met for kerosene fueled heaters.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 935.100 Fire Protection

a) Codes. All buildings in which people sleep or eat shall be constructed and maintained in accordance with all State and local fire safety laws.

b) Means of Egress. In housing units of one story construction, 2 means of escape shall be provided. One of the means of escape may be a

window with an openable space of not less than 24 x 24 inches and the sill within 44 inches from the floor. Sleeping quarters and common assembly rooms on the second story shall have a stairway, and a permanent, affixed exterior ladder or second stairway.

c) Fuel Storage. Migrant labor camps shall comply with the applicable provisions of "AN ACT prescribing the color and label for gasoline or benzol receptacles" (Ill. Rev. Stat. 1987, ch. 127 1/2, pars. 151 et seq.) and "AN ACT to regulate the storage, transportation, sale and use of gasoline and volatile oils" (Ill. Rev. Stat. 1987, ch. 127 1/2, pars. 153 et seq.) and any applicable rules adopted pursuant thereto.

d) Smoke Detectors. Smoke detectors shall be provided in living areas in accordance with the Smoke Detector Act. (Ill. Rev. Stat. 1987, ch. 127 1/2, par. 801 et seq.)

e) Fire Protection Equipment. A minimum of one 4-lb dry chemical ABC fire extinguisher shall be located within 100 feet of each living unit and maintained in a charged and ready to use condition. Compliance may also be achieved for family units by having one residential home type fire extinguisher in each unit. Fire extinguishers shall be inspected annually. Instructions for the manufacturer's use of the fire extinguishers shall be printed in English and the native language of the occupants and shall be located adjacent to each fire extinguisher explained to each occupant upon commencement of occupancy.

f) Emergency Telephone Service. A telephone for emergency use shall be available provided at all times in order to safeguard lives and property. The telephone number of the nearest fire department, law enforcement agency, hospital and ambulance service or the established universal emergency number shall be prominently posted near the telephone.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 935.105 Communicable Disease Reporting

All outbreaks of disease in migrant labor camps which involve two or more persons shall be reported to the Department pursuant to the Department's Control of Communicable Diseases Code (77 Ill. Adm. Code 690). The Injury and Illness Report as provided by the Department is to be completed and returned to the Department's regional office which serves the camp either by mailing or personally delivering it within 48 hours of the occurrence.

(Source: Added at 14 Ill. Reg. _____, effective _____)

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Section 935.110

Exempt Establishments Requirements for Camps Licensed to Operate Less Than an Aggregate of 21 Days Per Calendar Year

Establishments that provide housing for less than 10 migrant workers or 4 families containing migrant workers shall meet the requirements of this Part but shall not be required to be licensed.

a) General.--For purposes of interpretation, Section 935.110 shall apply to those migrant labor camps housing ten or more workers and their dependents of four or more families containing migrant workers who are engaged in agricultural activities, operated for less than an aggregate of 21 days in any calendar year.

b) Separate Quarters.--Separate quarters shall be provided for each sex except in the case of family living quarters.

e) Shelters:

1) Shelters in all camps shall be structurally sound and shall provide protection to the occupants.--Walls and floors shall be of tight, durable material such as wood, cement or canvas.--When composition materials are used for outer walls they shall be backed by no less than one-half inch wood sheathing.--Floors shall be of concrete, wood, or composition materials over either of the foregoing materials.--Interior walls shall be structurally sound, smooth, and clean.--Exposed studs and rafters will be accepted provided that the foregoing conditions are met.--Any area subject to splash shall be of impervious material.--Compliance with the above requirements shall be determined by an inspection in accordance with Section 935.120(a).

2) Exception.--Wall or pyramidal type tents may be accepted at the discretion of the Department for emergency use only in lieu of the foregoing requirements.--Emergency situations include, but are not limited to, imminent crop damage, fire damage or flood.--When tents are provided they shall be equipped with a structurally sound, smooth floor.--All other requirements of this Part shall be met except for Section 935.110-(d).

d) Heating and Ventilation of Shelters (except tents)

1) At least one-half of the floor area of each habitable room shall have a minimum ceiling height of seven feet.--Portions of the room having a ceiling height of less than five feet shall not be considered when computing floor area of the room.

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2) Family or dormitory type shelters shall contain a minimum of 40 square feet of floor area and a minimum of 300 cubic feet of air space per occupant.--When double beds or double deck beds are provided, the foregoing floor area per occupant may be reduced to 30 square feet.--The minimum acceptable size for family type quarters shall be 160 square feet.--No less than 30 inches of clear space shall be provided above any occupied bunk or bed.--Bunks shall be placed no closer together than 30 inches side to side or end to end.

3) Any room provided for human occupancy shall be provided with no less than one door and one window.--The total window area shall be no less than five percent of the floor area and shall be operable to provide for emergency egress and ventilation.--When ten or more persons are housed in one room, there shall be two or more doors opening to the outside of the building.

4) All living quarters and service rooms shall be provided with properly installed and operable heating equipment pursuant to Section 5.12 of the Act.

e) Lighting.--Any room provided for human occupancy shall be provided with artificial lighting equal to or greater than one 40-watt bulb per 100 square feet of floor area when electricity is available.--When electricity is not available, as a minimum, a lighted day room shall be provided for the use of the camp occupants and an emergency light shall be provided for each living or sleeping unit.--A keroseene lantern or mantle type lamp will be accepted as an emergency light.--Electrical wiring shall meet the minimum requirements of the National Electrical Code (1984).

f) Screening.--Shelters or facilities for habitation shall be screened during seasons when flies or other insects are prevalent.--Screening shall be no less than 16 meshes per inch.--Door openings shall be screened and screened doors shall be self-closing.

g) Water Supply.--Camp water supplies used for drinking or culinary purposes shall be adequate, convenient, and safe.

1) The total capacity of the supply shall be no less than ten gallons per person per day of pumping capacity and storage for all domestic purposes.

2) The water supply outlets shall be located within the immediate area of the camp, within 100 feet of any living quarters.

3) Where total water supply standards exist, the camp water supply

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shall meet these standards:--in areas where local standards do not exist, the camp water supply shall comply with the Department's Rules and Regulations for Drinking Water Systems (77 Ill. Adm. Code 900):

- 4) When unsafe water supplies exist in a camp, all outlets must be labeled, "UNSAFE FOR DRINKING OR COOKING." The label shall be securely attached to the outlet and the lettering shall be legible.
- h) Sewage disposal:--Sewage disposal requirements are those set forth in Section 935.60 of this Part.
- i) Food Handling:--Food handling requirements are those set forth in Section 935.70 of this Part.
- j) Fire Protection:--Fire protection requirements are those set forth in Section 935.100 of this Part.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 935.120 Inspections and Variances

- a) The Department shall inspect each Migrant Labor Camp at least one time before the laborers arrive and at least one time while the camp is being used for the purpose of determining if the camp is being maintained and operated in accordance with the Act and this Part.
- b) The Department shall grant temporary variances for existing housing based on factors such as the following:
 - 1) if the health, welfare and safety of the migrant worker will not be jeopardized or
 - 2) dependent upon the licensee's past record for compliance with the Act and this Part; or
 - 3) dependent upon the effort exerted by the licensee to eliminate the violation and the duration of the violation; or
 - 4) dependent upon expenses; or
 - 5) dependent upon precedent.

The Department shall grant a variance to a specific regulation when the operator or owner of a migrant labor camp submits a written request for such variance to the Department with drawings, specifications, data, or

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calculations showing that the alternative method of construction or design proposed will provide equivalent protection to that which would prevail under the promulgated regulation. The capability of the proposed deviation to ensure protection equivalent to that required by this Part shall be the basis for approval or denial of a variance. The Department shall notify the applicant in writing of its decision to either grant or deny the variance within 60 days of receipt of the request.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 935.130 Complaints

- a) Reporting. All complaints against migrant labor camps Migrant Labor Camps shall be reported to the Illinois Department of Public Health. Complaints shall preferably be in writing and contain facts to facilitate the investigation. Complaints by telephone will be accepted. Complaints will be required in writing if needed to support legal action against the licensee.

1) If the complaint concerns a serious violation of the Act or this part (i.e. contaminated water, sewage system malfunctions, operating without a license, etc.) it will be investigated by the Department within 24 hours of receipt of the complaint.

2) If the complaint concerns a less serious violation (i.e. solid waste, insects, ect.), it will be investigated within ten (10) working days of receipt of the complaint.

- b) Posting. The Department shall post in every licensed camp, in a location visible to all occupants, the telephone number and address of its closest Regional Office.

e) Upon receipt of each complaint the Department will, within seven (7) days, acknowledge by letter receipt of the complaint.

c) d) Referrals. If the complaint contains allegations which, if true, would constitute a prima facie violation of the Act or this Part, an investigation will be conducted. Whenever the complaint concerns matters outside the jurisdiction of the Department of Public Health, or may concern matters which are within the jurisdiction of another agency, the complaint will be referred to the appropriate agency whenever so doing does not violate complainant confidentiality.

d) e) Confidential. All complaints received by the Department will be confidential and the Department will shall not disclose the identity of the complainant without his/her written consent.

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e)† Notification of Results. Upon the conclusion of the investigation, the complainant will be notified of the results of the investigation and any action taken by the Department.

f)† Hearings. All administrative hearings will be conducted in accordance with the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

(Source: Amended at _____ 14 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Illinois Safety Responsibility Law

2) Code Citation: 92 Ill. Adm. Code 1070

3) Section Numbers: Proposed Action

1070.50

Amendment

4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)) and Section 6-100 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-100 et seq.)

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking as amended contains the requirements necessary to suspend a person's driving privileges for failure to satisfy a foreign judgment.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rulemaking contain incorporations by reference? No, this amendment does not contain incorporations by reference.

9) Are there any other amendments pending on this part?

Section Number	Proposed Action	Illinois Register Citation
1070.90	New Section	13 Ill. Reg. 19916 (December 22, 1989)

10) Statement of Statewide Policy Objective: This rulemaking will have no effect on local units of government.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Nancy Short
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
217/782-5356

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- 12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the proposed rule begins on the next page.

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1070

ILLINOIS SAFETY RESPONSIBILITY LAW

Section	
1070.10	Forms of Security
1070.20	Future Proof
1070.30	Installment Agreements
1070.40	Disposition of Security
1070.50	Failure to Satisfy Judgment
1070.60	Release From Liability
1070.70	Incomplete Unsatisfied Judgment
1070.80	Driver's License Restriction for Exclusive Operation of Commercial Vehicles

AUTHORITY: Implementing and authorized by the Illinois Safety Responsibility Law (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 7-100 et seq.).

SOURCE: Filed and effective December 17, 1971; codified at 6 Ill. Reg. 12674; repealed at 7 Ill. Reg. 13678, effective October 14, 1983; new part adopted at 8 Ill. Reg. 50, effective November 30, 1987; amended at 14 Ill. Reg. _____, effective _____.

Bold type indicates statutory language.

Section 1070.50 Failure to Satisfy Judgment

- a) For purposes of this Section, the following definitions shall apply:

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Foreign Judgment" - means any judgment, decree or order of the court of the United States or of any State or Territory which is entitled to full faith and credit in this state as provided in Section 12-601(a) of the Uniform Enforcement of Foreign Judgments Act. (Ill. Rev. Stat. 1987, ch. 110, par. 12-601 et seq.).

"Illinois Insurance Guarantee Fund" - section of the Illinois Department of Insurance which deals with disposition of assets following bankruptcy.

"Judgment Debtor" - person who owes money to someone due to court judgment against him/her.

"Secretary of State" - Secretary of State of Illinois.

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- b) The Secretary of State shall not suspend the driver's license, registration certificates, registration stickers or license plates of a judgment debtor if the conditions set forth in Section 7-303(d) of the Illinois Safety Responsibility Law (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 7-303(d)) and subsections (c) and (d) of this section have been met.
- c) The Department shall accept notification from the Illinois Insurance Guaratee Fund as proof that the judgment debtor was insured by the defunct insurance company at the time of the accident.
- d) The Department shall accept a copy of the new policy or letter from the home office of the judgment debtor's new insurance company as proof to establish that in fact the judgment debtor has secured a new liability policy or bond.
- e) If a suspension is made, the Department shall, through the conditions in subsections (b) and (c) have been met, it shall be suspended. In all other cases, the Secretary through the Department shall suspend the driving privileges and any vehicle registration of all drivers who have not satisfied a judgment rendered against them as provided in Sections 7-303, 7-303.1 and 7-313 of the Illinois Safety Responsibility Law. (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 7-303, 7-303.1 and 7-313.)

f) The Secretary of State shall suspend a person's driving privileges for failure to satisfy a foreign judgment as provided in Section 7-303 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 7-303.) The state in which the foreign judgment was entered shall forward the following information to the Secretary before a suspension will be entered on a person's driving record:

- 1) a transcript of the proceeding or an unsatisfied judgment form certified by the court entering the judgment, and
- 2) a suspension notice showing the person is suspended in the other state, and
- 3) name, address, and date of birth of defendant.

(Source: Amended at 14 Ill. Reg. ____, effective ____)

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- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030

3) Section Numbers: Proposed Action

1030.50 Amendment
1030.60 Amendment

- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)) and Section 6-100 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-100 et seq.)

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking: 1) Defines the requirements for obtaining an Illinois driver's license to operate a religious organization bus and senior citizen transportation vehicle; and 2) contains the requirements of an entity to be licensed to administer driving skills tests (CDL, non-CDL or motorcycle) to its employees on behalf of the Secretary of State. Safety officer requirements are also provided. The rule also describes the required skills tests and the circumstances under which the license of an entity or safety officer shall be suspended, revoked, cancelled or denied. A hearing provision is included.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this proposed rulemaking contain incorporations by reference? No.

- 9) Are there any other amendments pending on this part?

Section Number	Proposed Action	Illinois Register Citation
1030.30	Amendment	14 Ill. Reg. 179 (January 5, 1990)
1030.65	Amendment	13 Ill. Reg. 14019 (September 8, 1989)
1030.80	Amendment	14 Ill. Reg. 579 (January 12, 1990)
1030.91	New Section	13 Ill. Reg. 14344 (September 15, 1989)
1030.95	Amendment	13 Ill. Reg. 16297 (October 20, 1989)

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10) Statement of Statewide Policy Objective: This rulemaking will have no effect on local units of government.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Nancy Short
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
217/782-5356

12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State feels this proposed rulemaking will affect some types of small businesses and the proposed rule has been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the proposed rule begins on the next page.

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1030

ISSUANCE OF LICENSES

Section	
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License
1030.15	Cite for Re-examination
1030.20	Classification of Drivers-References
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Employer Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
1030.80	Driver's License Testing/Written Test
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts/Road Test
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Licenses
1030.90	Requirement For Photograph and Signature of Licensee On Driver's License
1030.92	Restrictions
1030.93	Restricted Local Licenses
1030.94	Duplicate or Corrected Driver's License or Instruction Permit
1030.95	Diplomatic and Consular Licenses
1030.100	Anatomical Gift Donor
1030.110	Emergency Medical Information Card
1030.115	Change-of-Address
1030.120	Issuance of a Probationary License
1030.130	Grounds for Cancellation of a Probationary License
Appendix A	Questions Asked of a Driver's License Applicant
Appendix B	Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-100 et seq.) and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)).

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SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. _____, effective _____.

Section 1030.50 Bus Driver's Authority, Religious Organization and Senior Citizen Transportation

- a) For purposes of this Section, the following definitions shall apply:

"Abstract" - official driver's record.

"Applicant" - person applying for religious organization bus driver endorsement restriction on his/her driver's license.

"Gross Combination Weight Rating (GCWR)" - the GVWR of the power unit plus the GVWR of the towed unit(s) or the combined registered weight of the power unit plus the towed unit, whichever is greater.

"Gross Vehicle Weight Rating (GVWR)" - the value specified by the manufacturer(s) as the maximum loaded weight of a single vehicle, or the registered gross weight, whichever is greater.

"P" Endorsement" - an indication on the driver's license that the driver has qualified to operate a vehicle designed to transport 16 or more persons, including the driver.

"Reckless Driving" - driving in an unsafe or careless manner without regard for the safety of oneself or others, or of property, driving with a willful or wanton disregard for the safety of persons or property as defined in Section 11-503(a) of the Illinois Rules of the Road of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-503(a).)

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"Religious Organization Bus Driver Endorsement Restriction" - classification restriction on a driver's license allowing person to operate bus for a religious organization.

"Restriction" - requirement, condition, or operating authority added to a driver's license which must be met by the license holder before he/she may legally operate a motor vehicle.

"Secretary of State" - Secretary of State of Illinois.

"Senior Citizen Transportation Vehicle Restriction" - restriction on a driver's license allowing a person to operate a vehicle for a senior citizen organization.

- b) A religious organization bus and senior citizen transportation vehicle driver endorsement shall have on his/her driver's license a type "R" restriction and a "P" endorsement, when required, as follows:

1) A religious organization bus driver shall have the following endorsement:

1) 21 years of age or older;

2) have a valid driver's license; classified as set forth in Section 1030.50(4)(1) thereof (34) of this part;

3) have held a valid driver's license; not necessarily of same classification for 3 years prior to the date of application;

4) pass a road test in a religious organization bus pursuant to Section 1030.55 of this part;

5) have not been convicted within 3 years of the date of application of reckless driving, leaving the scene of a traffic accident involving death or personal injury, driving under the influence of drugs, alcohol, or controlled substances, or reckless driving while driving from the date of a motor vehicle license until 95 1/2 part 1030.52(3)(1).

- c) If the gross weight GVWR, GCWR or person capacity of the religious organization bus or senior citizen transportation vehicle requires that the applicant's Illinois driver's license be of a different classification, the applicant must comply with the provisions of the law to obtain the classification, restriction and/or endorsement necessary for the applicant to operate the type of religious organization bus or senior citizen transportation vehicle applied for.

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ed) In the event a religious organization bus or senior citizen transportation vehicle driver is convicted of reckless driving leaving the scene of a traffic accident involving death or personal injury, driving under the influence, drug racing, manslaughter, reckless homicide, or reckless conduct arising from the use of a motor vehicle, his authority to operate a religious organization bus shall be annulled in the following manner, any of the offenses listed in Section 6-106.2(5) or 6-106.3(5) of the Illinois Driver Licensing Law of the Illinois Vehicle Code, (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-106.2(5) and 6-106.3(5)), that person's authority to operate a religious organization bus or senior citizen transportation vehicle shall be removed in the following manner:

- 1) The Secretary of State shall notify the religious organization bus or senior citizen transportation vehicle driver he/she is no longer eligible for such authorization in the form of a annulment to operate a religious organization bus or senior citizen transportation vehicle.
- 2) Such licensee must surrender his/her Illinois driver's license within 10 days after receiving such notification in order to have the annulment in the form of a resettlement authority to operate the religious organization bus or senior citizen transportation vehicle removed from his/her driver's license.
- 3) A corrected driver's license will shall be issued to each licensee and the applicant will shall be charged a fee in accordance with Section 6-118(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-118(a).)
- fe) Failure of such licensee to comply with paragraph (d)(2) above of this Section will shall result in cancellation of such licensee's Illinois driver's license.
- gf) If a person relocates in Illinois from out-of-state and desires a religious the authorization to operate a religious organization bus or senior citizen transportation vehicle annulment, he/she must provide a letter or an abstract from the former state of residence indicating that the requirements of Section 6-106.2 or 6-106.3 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-106.2 and 6-106.3) have been met.

h) If a person resides in a state other than Illinois and wishes to operate a religious organization bus in Illinois, he/she must hold a valid and properly classified license in his/her state of residence and a Religious Organization Bus and/or Senior Citizen Transportation Bus Certificate (Certificate) issued by the Illinois Secretary of State. To obtain the Certificate, the person shall provide a letter or abstract from his/her state of residence indicating the requirements of section 6-106.2 and/or 6-106.3 have been met. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-106.2 and 6-106.3.) Both the Certificate and the valid person is operating a religious organization bus and/or senior citizen transportation bus in Illinois.

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license held in his/her state of residence. The person shall provide a letter or abstract from his state of residence indicating that the requirements of Section 6-106.2 of the Illinois Driver Licensing Law (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-106.2) have been met. The person's driver's license shall have a type 6 restriction and will be coded as IV on the driver's license, which means the driver holds a valid out-of-state license and is restricted to only operating a religious organization bus with his/her Illinois driver's license.

g) A non-Illinois resident who holds a valid restricted Illinois driver's license authorizing him/her to operate a religious organization bus or senior citizen transportation vehicle and who holds a valid driver's license issued by his/her state of residence shall surrender the Illinois driver's license to the Department for cancellation.

h) If a person resides in a state other than Illinois and wishes to operate a religious organization bus and/or senior citizen transportation bus in Illinois, he/she must hold a valid and properly classified license in his/her state of residence and a Religious Organization Bus and/or Senior Citizen Transportation Bus Certificate (Certificate) issued by the Illinois Secretary of State. To obtain the Certificate, the person shall provide a letter or abstract from his/her state of residence indicating the requirements of section 6-106.2 and/or 6-106.3 have been met. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-106.2 and 6-106.3.) Both the Certificate and the valid person is operating a religious organization bus and/or senior citizen transportation bus in Illinois.

i) Applicants who hold a valid school bus permit in Illinois are permitted to operate a religious organization bus or senior citizen transportation vehicle, within classification as set forth in Section 1030.30(a b)(1) through (34), without having additional annulment restrictions added to their license. If the applicant desires to have the "TJ" annulment restriction added to his/her license, the road test will shall be waived, but the applicant shall pay a fee for corrected licenses or permits in accordance with Section 6-118(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-118(a).)

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1030.60 Employer Third-Party Certification Program

b) The Secretary of State may waive the requirements of an annual demonstration of the applicability of the certificate of competency and reasonable control of the operation of a motor vehicle if the employer employing the applicant meets the following qualifications:

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b) To qualify as a certifying employer, the entity requesting waiver and certification must file an application with the Secretary of State in his Springfield office on forms prescribed by the Secretary of State. Each employer must comply with the following requirements:

1) A) The employer must have a regular established place of business in the State of Illinois, and operate a fleet of vehicles;

B) Exceptions to (1)(A) above are employers having a regular place of business in States that border Illinois, which are Indiana, Missouri, Wisconsin, Iowa, and Kentucky, if any entity with its headquarters in the said States wishes to participate in the Employer Certification Program. It must have an appointed agent for purposes of this program residing within the State of Illinois;

2) Any applicant certified must be employed and on the payroll of the certifying entity at the time of certification;

3) The employer must maintain accurate driver performance records and must be able to furnish these records to the Secretary of State upon request;

4) The title of safety officer, instructor, training officer, Special Equipment Officer, or any other title used by an entity to designate an individual or individuals who supervise or operate the classroom instruction and road testing for employees of the entity requesting certification are, for the purposes of this section, synonymous;

5) The individual conducting the classroom instruction and the road testing, regardless of his title as defined in paragraph (b)(1), must first submit to the Director of the Driver Services Department of the Secretary of State's Office a detailed resume of his qualifications to act in said capacity. Address of the Director is as follows:

Director
Driver Services Department
2701 South Dickson Parkway
Springfield, Illinois 62723

6) If, from the information submitted as required in paragraph (b)(5), the Director of the Driver Services Department deems it necessary and proper, he may request a personal interview with the individual submitting the required resume, either in Springfield or in Chicago.

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7) The employer must have a vehicle operational training program which meets the Secretary of State's criteria. Such program must consist of a classroom, a classroom manual, manual of operation which may include audiovisual, multimedia visual aids, films, film strips, and slides, and a prescribed physical driving course, which upon inspection is approved by the Secretary of State;

8) A classroom manual of operation must include at least the following:

- A) Introduction
- B) Operating practices
- C) Parking and maneuvering
- D) Night Driving
- E) Winter Driving
- F) Equipment Maintenance
- G) Tire Traction
- H) Defensive Driving
- I) Driver Attitude
- J) Physical Coordination
- K) Rules of the Road

9) Classroom facilities must be able to comfortably accommodate the employees/students of the Employer Certification Program proposed by the employer. This will be determined by an inspection of said facilities by the Secretary of State's Office. Driver Services Department;

10) A periodic inspection shall be made by the Secretary of State's representative of the employer's curriculum and physical facilities utilized in the Employer Certification Program;

11) The Secretary of State may, from time to time, request reports on any certified employer pertaining to the employer's driving performance, and may require a full examination of a certified driver at a Secretary of State Driver Services Facility to determine the value of the Employer Certification Program.

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12) Before a driver's license is issued under the Employer Certification Program, the applicant must first pass the vision, road sign, and traffic law examination given at one of the Secretary of State Driver Services Facilities.

13) The Safety Officers, as defined in paragraph (b)(4) of this section must certify that the applicant for a driver's license has satisfactorily completed the entity's prescribed course in classroom instruction and behind-the-wheel training to qualify said applicant for a Class C, D or M license.

A) No employer shall certify any employee whose current driver's license is being held by any court of competent jurisdiction for a violation of alleged violation of motor vehicle laws.

B) No employer shall certify any employee who has had his driver's license suspended or revoked without first obtaining the written approval of the Director of the Driver Services Department.

C) No employer shall certify any employee who has, within one year previous to certification, failed the driving test for a Class C, D and M license at a Secretary of State Driver Services Facility.

D) At the request of the certifying employer, the Driver Services Department will assist the employer in determining the facts concerning (A), (B), and (C) above.

14) All certified employers shall comply with the Illinois Human Rights Act (Ill. Rev. Stat. 1981, Ch. 68, par. 1-101 et seq.)

15) An employer refusing certification privileges may request a hearing under the provisions of Sec. 2-118 of the Illinois Vehicle Code.

The Director of the Driver Services Department may appoint an agent to act in his behalf for the purpose of administering this rule.

a) The Secretary of State shall adopt the following definitions for the terms listed as follows:

"Branch Facility" - a separate instructional facility operated and directly supervised by a third-party certifying entity at a location different from the principal location of the third-party certifying entity.

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"CDL Skills Test" - tests given to an applicant who is attempting to obtain a Commercial Driver's License (CDL).

"Commercial Driver's License (CDL)" - a driver's license issued by a State to a person, which authorizes that person to drive a certain class of commercial motor vehicle or vehicles.

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Driver Applicant" - an individual employed by or otherwise associated, by employment or by membership, with a third-party certifying entity, who participates in the third-party certification program.

"Motor Vehicle" - any properly registered vehicle meeting the description of the vehicle group of the class the driver applicant operates, or expects to operate.

"Non-CDL Skills Test" - any drive test given to an applicant who is attempting to obtain a driver's license except for a D classification, a CDL or a CDL endorsement.

"Passenger Endorsement" - an indication on the driver's license that the driver has qualified to operate a vehicle designed to transport 16 or more persons, including the driver.

"Restriction" - requirement, condition or operating authority added to a driver's license which must be met by the license holder before he/she may legally operate a motor vehicle.

"Safety Officer" - any individual employed by a third-party certifying entity who is licensed to conduct the skills test and to determine for certification purposes that a driver applicant has been tested and meets the same qualifications required by the Secretary of State.

"Secretary of State" - Illinois Secretary of State.

"Third-Party Certification License" - a license issued by the Secretary of State to conduct a qualified third-party certification program, pursuant to Section 6-508 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-508.)

"Third-Party Certification Program" - a program designed by the Secretary of State allowing third-party entities to provide to employees and members a qualified training program of behind the wheel and/or classroom testing for the purpose of certifying to

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the Secretary of State that a driver applicant is qualified to operate a vehicle without the Secretary of State having to administer a road test. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-508.)

"Third-Party Certifying Entity" - any third-party entity licensed by the Secretary of State to engage in a third-party certification program.

b) The Secretary of State shall not require an actual demonstration of the ability of the driver applicant to operate and exercise ordinary and reasonable control of a motor vehicle for purposes of third-party certification programs, if the third-party certifying entity complies with the following requirements:

1) License Required. - No person, firm, association, partnership or corporation shall operate a third-party certification program, unless a license has been issued by the Secretary of State.

2) Certify Only Employees or Members. - A third-party certifying entity shall certify only those driver applicants who are employed and on the payroll of the entity, or are members at the time of certification.

3) Require Instruction Permit. - Before a driver applicant may be certified by a third-party certifying entity, the driver applicant must first obtain an Instruction Permit from the Secretary of State for the specific vehicle classification in which they intend to be licensed, if not previously licensed in a classification representative of the vehicle the applicant intends to drive.

c) Issuance and Renewal of Licenses

1) When an application is submitted for an original third-party certification license, or safety officer license, the applicant or applicants shall not conduct any business as a third-party certifying entity or safety officer until a license is issued by the Secretary of State.

2) When an application is made for the renewal of an existing third-party certification license or a safety officer license, the applicant shall have the authority to continue to conduct business as a third-party certifying entity or a safety officer until the renewal application is granted or denied by the Department, provided the application has been filed in a timely manner. The application for said license shall be made in the same manner as an application for an original third-party certification license or safety officer license.

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3) Licenses may not be assigned. No individual, partnership, association, or corporation may sell, assign, barter or trade a third-party certification license or safety officer license issued by the Secretary of State.

4) The Secretary may allow entities, otherwise ineligible to be licensed as a third-party certifying entity, to conduct a third-party certification program on a trial basis, not to exceed one year. At the close of the trial period, the Secretary will determine whether the entities participating in the pilot program shall be granted third-party certification entity status under this Rule.

d) Requirements - Third-Party Certification Entities

1) The entity shall have at least one employee who is licensed or qualified to be licensed as a safety officer for the third-party certification program.

2) The entity shall have a regularly established place of business in the State of Illinois and operate or have access to appropriate vehicles, with the exception of employers having a regular place of business in a contiguous state, e.g. Indiana, Missouri, Wisconsin, Iowa and Kentucky. Any entity having their headquarters in a border state and wishing to participate in the third-party certification program, shall have an appointed agent, for purposes of this program, who is licensed as a safety officer and holds a valid Illinois driver's license or a CDL issued by a contiguous state.

3) The entity shall submit to the Department a copy of any subcontract of services described in this Part.

4) The entity shall have a prescribed physical driving course for each location and be required to meet a driving skills test with the same minimum standards as the course used for examination by the Secretary of State.

5) The entity shall have access to a properly registered motor vehicle which meets the definition of the vehicle group of the classification that the driver applicant operates or expects to operate.

6) The entity shall provide the driver applicant, who takes and passes the skills tests, with documented proof of the same, which shall evidence to the Department that the individual has successfully passed the skills tests administered by the third-party certifying entity.

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7) The entity shall collectively submit completed application forms to the Department for each main office, branch office and safety officer.

8) The entity shall have and use a business telephone listing for all business purposes.

9) If a licensed safety officer is temporarily suspended, laid-off or discharged by a third-party certifying entity, the entity shall immediately notify the Secretary of State, on forms furnished by the Secretary of State, of the name, address and license number of the safety officer, such officer's termination date and reason for termination. In all cases where a safety officer has ceased working for the third-party certifying entity, the safety officer must surrender his/her license to the Secretary of State.

10) Facility

A) The established place of business of each third-party certifying entity must consist of at least the following permanent facilities:

- i) an office facility;
- ii) appropriate space to conduct all pre-trip inspection skills tests.

B) A third-party certifying entity which has an established place of business may operate a branch facility provided the branch facility meets all requirements of the main facility.

C) Upon receipt by the Secretary of State of a written request to open a branch facility, an authorized representative of the Secretary of State shall inspect the branch facility and, if it complies with the provisions of this rule, shall issue the appropriate license which must be displayed in a visibly prominent place in the branch facility.

D) Location must comply with public health, safety and sanitation standards per state and local laws.

11) Records - All third-party certifying entities licensed by the Secretary of State must maintain a record showing the name and address of each driver certified by the entity, the instruction permit or driver's license number of every driver certified, and the results of the final skills test, including endorsements, given to each driver applicant, the name of the safety officer who administered the skills test and the license plate number of the vehicle used to conduct the test.

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A) All records must be maintained for a period of four (4) years.

B) Proof of eligibility for certification and final skills tests results for each driver applicant must be kept at the location where the road test was given.

12) Auditing - CDL Driving Skills Test

A) All third-party certifying entities must allow the Secretary of State, FHWA or its representatives, and other official entities to conduct random examinations, inspections, and audits without prior notice.

B) All third-party certifying entities must allow the Secretary of State to conduct on-site inspections at least annually.

C) The Secretary of State shall annually re-examine a sample percentage of the certified driver applicants to compare pass/fail results.

13) Display of Licenses - Each third-party certifying entity shall display in a prominent place at the established place of business the following:

- A) The state license issued to the third-party certifying entity; and
- B) Safety officer licenses of all safety officers employed by the third-party certifying entity.

e) Skills Tests

1) Any CDL skills tests administered by the third-party certifying entity must be conducted as specified in Subparts G and H of 49 CFR Section 383.

2) Driving Skills - The entity shall have a prescribed physical driving course for each location and must be required to administer a skills test with the same minimum standards as that which would be given by the Secretary of State. (92 Ill. Admin. Code §1030.85.) The entity shall test and the driver applicant shall demonstrate skills including, but not limited to:

- A) basic control;
- B) shifting;
- C) backing;
- D) speed management; and,
- E) space management.

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3) Pre-trip inspection skills - Where applicable, the entity shall test and the driver applicant shall demonstrate skills necessary to conduct a pre-trip inspection, which include the ability to:

- A) locate and verbally identify air brake operating controls and monitoring devices;
- B) determine the motor vehicle's brake system condition for proper adjustments and that the air system connections between vehicles have been properly made and secured;
- C) inspect low pressure warning device(s) to ensure they will activate in emergency situations;
- D) ascertain with the engine running, that the system contains an adequate supply of compressed air;
- E) determine that the required minimum air pressure build up at the time is within acceptable limits and that required alarms and emergency devices automatically deactivate at the proper pressure level; and,
- F) operationally check the brake system for proper performance.

4) Restrictions and/or Endorsements. - Third-party certification entities conducting road tests for restrictions and/or passenger endorsements must meet a skills test with the same minimum standards as an exam offered by the Secretary of State for the restriction and/or endorsement. (92 Ill. Admin. Code §1030.92.)

5) Third-party certifying entities conducting road tests for motorcycle and non-CDL classifications are not bound by points 1) through 4) above, but instead must meet a driving skills test which shall be prescribed by the Secretary of State for these classifications and judged by the same minimum standards. (92 Ill. Admin. Code §1030.85.)

A) Motorcycle skills tests must include at least the following:

- 1) basic vehicle control skills;
- 2) safe driving skills;
- 3) visual search;
- 4) speed and space management; and,
- 5) mounting and dismounting.

B) Non-CDL skills tests must include at least the following:

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- 1) basic vehicle operation;
- 2) safe driving skills;
- 3) speed and attention;
- 4) lane and right of way observance;
- 5) obeying traffic control devices;
- 6) use of special equipment.

f) Issuance and Renewal of Third-Party Certifying Entity Licenses

1) Issuance of Licenses to Third-Party Certifying Entity - The Secretary of State shall issue a license to conduct a third-party certification program when the Secretary of State is satisfied that the entity applying for a third-party certification license has met the requirements under this Rule.

2) Expiration of Licenses - All outstanding licenses issued to any third-party certifying entity shall expire three (3) years from the date the license was issued unless sooner canceled, suspended, or revoked under the provisions of Section g).

3) Renewal of Licenses - The license of each third-party certifying entity may be renewed subject to the same conditions as the original license.

4) Licenses - Form and Filing - All applicants for renewal of a license shall be on a form prescribed by the Secretary of State and must be filed with the Secretary not less than sixty (60) days preceding the expiration date of the license to be renewed.

g) Denial, Cancellation, Suspension, and Revocation of Third-Party Certifying Entity Licenses

1) The Secretary of State shall deny an application for a third-party certifying entity license or renewal:

- A) to any entity that submits a fraudulent application.
- B) to any entity that is also currently the owner of a Commercial Driver Training School.
- C) to any entity that currently employs individuals, also employed by the Secretary of State.
- D) to any entity that owes outstanding fees to the Secretary of State.
- E) to any third-party certifying entity that lacks a safety officer.

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F) to any third-party certifying entity that fails to meet location standards:

- i) fails to comply with public health, safety and sanitation standards per state and local laws.
- ii) fails to have a telephone that registers to the third-party certification entity.

2) The Secretary of State shall cancel a third-party certifying entity license, following a written warning and a ten (10) day notice period, upon evidence that:

- A) the entity submitted a fraudulent application.
- B) the entity or subcontractor is also currently the owner of a Commercial Driver Training School.
- C) the entity employs individuals, also employed by the Secretary of State.
- D) the entity owes outstanding fees to the Secretary of State.

E) the third-party certifying entity lacks a safety officer.

F) the third-party certifying entity fails to meet location standards:

- i. fails to comply with public health, safety and sanitation standards per state and local laws.
- ii. fails to have a telephone that registers to the third-party certification entity.

3) The Secretary of State shall suspend a third-party certifying entity's license for three (3) months, following a written warning and a ten (10) day notice period, upon evidence of the following:

- A) improper record keeping in violation of Section (d)(9), or
- B) failure to produce records upon demand of the auditing agency.

4) The Secretary of State shall suspend a third-party certifying entity's license, following a written warning and a ten (10) day notice period, if it is discovered the entity is certifying applicants who have not obtained instruction permits and have not

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been previously licensed in a classification representative of the vehicle the applicant intends to drive. The length of the suspension shall be three (3) months. The second incident within two years shall result in a six (6) month suspension. The third incident shall result in revocation of the license.

5) The Secretary of State shall suspend the third-party certifying entity's license for the first incident of fraud, which includes but is not limited to certifying persons not eligible. The suspension shall be for three (3) months. A second incident within two (2) years shall result in revocation of the license.

h) Issuance and Renewal of Safety Officer License

1) Issuance of Licenses to Safety Officers - The Secretary of State shall issue a license to each safety officer when the Secretary of State is satisfied that such person has met the qualifications required under this Rule. Each third-party certification safety officer license shall authorize the licensee to test for only the employer indicated on the license, except when the safety officer is employed by an entity providing contractual services to the third-party certification entity or the safety officer is employed by both a governmental and private entity.

2) Expiration of Licenses - All outstanding licenses issued to any safety officer shall expire three (3) years from the date the license was issued, unless sooner canceled, suspended, or revoked under the provisions of Section i).

3) Renewal of Licenses - The license of each safety officer may be renewed subject to the same conditions as the original license.

4) Licenses - Form and Filing - All applications for renewal of a safety officer license shall be on a form prescribed by the Secretary of State and must be filed with the Secretary not less than sixty (60) days preceding the expiration date of the license to be renewed.

i) Safety Officer

1) Requirements. The Secretary of State shall not issue a safety officer license:

- A) unless the safety officer applicant is 21 years of age, or older and holds a valid Illinois driver's license or a CDL from a contiguous state.

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- B) unless the safety officer applicant is physically able to safely operate a motor vehicle and to test others in the safe operation of motor vehicles.
- C) unless the safety officer applicant is employed by a third-party certifying entity.
- D) unless the safety officer applicant has, for at least two (2) years immediately preceding application, a valid driver's license in the specific classification in which he intends to test or the equivalent under the classification system prior to April 1, 1990.
- E) to any person whose driver's license has been suspended or revoked, within a period of five (5) years of the date of application.
- F) to any person who fails to properly make application for such safety officer's license or otherwise indicates that he/she is unqualified to receive such a license.
- G) to any person who is currently a salaried employee of the Secretary of State.
- H) to any person intending to skills test CDL driver applicants, unless the safety officer applicant has received training equivalent to that given to Secretary of State examiners administering CDL driving skills tests.
- I) to any individual who has failed to comply with the provisions of these Rules.
- 2) Denial of License. The Secretary of State shall deny a safety officer's license upon evidence that:
- A) the applicant has been convicted of driving while under the influence of alcohol, other drugs, or a combination thereof; leaving the scene of an accident; and reckless homicide or reckless driving, or is suspended under Sections 6-206(a)(3) or 11-501.1 of the Illinois Vehicle Code within 5 years prior to the date of application.
- B) the applicant fails to properly make application for such license.
- C) the applicant is not employed by a third-party certifying entity.
- D) the applicant is currently a salaried employee of the Secretary of State.

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- E) the applicant is not at least 21 years of age and holds a valid Illinois driver's license or a CDL from a contiguous state.
- F) the applicant submits a fraudulent application.
- G) the applicant is currently employed by a Commercial Driver Training School.
- H) the applicant owes outstanding fees to the Secretary of State.
- I) the applicant is physically unable to operate a motor vehicle within the classification for which they intend to test.
- J) the applicant's driver's license is currently canceled, suspended or revoked.
- K) the applicant's driver's license has been suspended or revoked within a period of five (5) years of the date of application. However, suspensions related to auto emissions and parking are exempt from the five year period after the suspension is terminated.
- L) the applicant has not held, for at least two (2) years immediately preceding application, a valid license in the classification in which he intends to test or the equivalent under the classification system prior to April 1, 1990.
- M) the applicant intends to skills test CDL driver applicants, but has not received training equivalent to that given to Secretary of State examiners administering CDL driving skills tests.
- 3) The Secretary of State shall cancel a safety officer's license, following a written warning including a ten (10) day notice, upon evidence that:
- A) the individual has been convicted of driving while under the influence of alcohol, other drugs, or a combination thereof; leaving the scene of an accident; and reckless homicide or reckless driving, or is suspended under Sections 6-206(a)(3) or 11-501.1 of the Illinois Vehicle Code within 5 years prior to the date of application.
- B) the individual fails to properly make application for such license.

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C) the individual is not employed by a third-party certifying entity.

D) the individual is currently a salaried employee of the Secretary of State.

E) the individual is not at least 21 years of age.

F) the individual submits a fraudulent application.

G) the individual is currently employed by a Commercial Driver Training School.

H) the individual owes outstanding fees to the Secretary of State.

I) the individual is physically unable to operate a motor vehicle within the classification for which they intend to test.

J) the individual's driver's license is currently canceled, suspended or revoked.

K) the individual's driver's license has been suspended or revoked within a period of five (5) years of the date of application. However, suspensions related to auto emissions and parking are exempt from the five year period after the suspension is terminated.

L) the individual has not held, for at least two (2) years immediately preceding application, a valid license in the classification in which he intends to test or the equivalent under the classification system prior to April 1, 1990, unless it is a CDL classification or endorsement.

M) the individual intends to skills test CDL driver applicants, but has not received training equivalent to that given to Secretary of State examiners administering CDL driving skills tests.

4) The Secretary of State shall cancel a safety officer's license immediately upon receiving notification that the safety officer is no longer employed by the third-party certification entity or no longer has a valid license.

5) The Secretary of State shall suspend a safety officer's license, following a written warning and a ten (10) day notice period, if it is discovered the safety officer is certifying applicants who have not obtained instruction permits. The length of the suspension shall be three (3) months. The second incident within

two (2) years shall result in a six (6) month suspension, and the third incident shall result in revocation of the license.

6) The Secretary of State shall suspend immediately a safety officer's license for the first incident of fraud, which includes but is not limited to certifying a person not eligible. The suspension shall be for three (3) months. A second incident of fraud within two (2) years shall result in revocation of the license.

i) Hearings. Prior to the suspension, revocation, cancellation or denial of the license of a third-party certification entity or safety officer, the Department shall give fifteen (15) days' written notice to such entity or person. The sanction shall be effective on the 15th day. If a formal hearing is requested in writing during the notice period, in accordance with 92 Ill. Adm. Code §1001, Subpart A and Section 2-118 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-118), the sanction shall be stayed pending the outcome of such hearing. The basis for cancellation, suspension, revocation, or denial of a license or renewal of a license is stated in this Section.

k) Review Under Administrative Law. Judicial Review - The action of the Secretary of State in cancelling, suspending, revoking or denying any license under this Act shall be subject to judicial review in the Circuit Court of Sangamon County or the Circuit Court of Cook County, pursuant to Section 2-118 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-118) and the provisions of the Administrative Review Law. All the provisions and modifications thereto, and all the rules adopted thereto, are hereby adopted and shall apply to and govern every action for judicial review of the final acts or decisions of the Secretary of State under this Section.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: HOSPITAL SERVICES
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Number: Adopted Action:
148.120 Amendment
- 4) Statutory Authority: Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, pars. 5-5.1 et seq. and 12-13)
- 5) Effective Date of Adopted Amendment: February 9, 1990
- 6) Does this rulemaking contain an automatic repeal date?
Yes ☒ No ☐
- 7) Does this Adopted Amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 9, 1990
- 9) Notice of Proposal Published in Illinois Register: September 1, 1989 (13 Ill. Reg. 13729)
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Differences between proposal and final version:
Based on comments received regarding this rulemaking, the following changes were made:
 1. Modified Section 148.120(a)(3) by adding after the word "Area" in line 2 "(42 CFR 5, 1989)."
 2. Added at the end of Section 148.120(a)(3) "(77 Ill. Adm. Code 1100)."
 3. In the Authority note, in line 2 corrected the spelling of the word "Fiancee."
 4. In Section 148.120(e)(2)(A), deleted the parenthesis in front of each of the fourth level subsection labels.
 5. In Section 148.120(g)(1), line 6, added a statutory citation.

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6. In subsection (i) of this same Section, in line 2, gave the entire year instead of the abbreviation "91." Also at this point, "FY '91" was defined and added in parentheses.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this Adopted Amendment replace an Emergency Amendment currently in effect? No
- 14) Are there any Amendments pending on this part? No
- 15) Summary and Purpose of Adopted Amendment: In accordance with the provisions of Senate Bill 150, an Illinois hospital must meet one of the following criteria to be eligible for the additional disproportionate share reimbursement:
 - 1) Have a Medicaid utilization percentage of at least the mean plus one standard deviation; or
 - 2) Have a low-income utilization rate of at least 25%; or
 - 3) Have a Medicaid utilization percentage of at least the mean and be located in a Health Manpower Shortage Area (HMSA) and be located in a planning area with 1/3 or fewer excess beds; or
 - 4) Be a hospital exclusively caring for children.In addition to these factors, an out-of-state hospital which is devoted exclusively to caring for children qualifies for payments.

This change is estimated to increase the Department's aggregate expenditures for disproportionate share hospitals by \$55 million in Fiscal Year 1990.
- 16) Information and questions regarding this Adopted Amendment shall be directed to:
Name: Daniel C. Leikvold, Staff Attorney
Office of the General Counsel

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Address:

Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone:

(217) 782-1233

The full text of the Adopted Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148

HOSPITAL SERVICES

Section	
148.10	Hospital Services
148.20	Participation
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Hospital Services Not Covered
148.70	Limitation On Hospital Services
148.80	Transplants
148.90	Heart Transplants
148.100	Liver Transplants
148.110	Bone Marrow Transplants
148.120	Disproportionate Share Hospital Adjustments
148.130	Payment for Inpatient Services for GA
148.140	Hospital Outpatient and Clinic Services
148.150	Payment for Hospital Services During Fiscal Year 1982
148.160	Payment for Hospital Services During Fiscal Year 1983
148.170	Limits on Length of Stay by Diagnosis
148.180	Payment for Pre-operative Days and Services Which Can Be performed in an Outpatient Setting
148.190	Copayments
148.200	Payment Methodology
148.210	Non-Participating Hospitals
148.220	Pre July 1, 1989 Services
148.230	Post June 30, 1989 Services
148.240	Prepayment Review
148.250	Base Year Costs
148.260	Restructuring Adjustment
148.270	Inflation Adjustment
148.280	Groupings
148.290	Rate Calculation
148.300	Payment
148.310	Review Procedure
148.320	Alternatives
148.330	Exemptions
148.340	Subacute Alcoholism and Substance Abuse Services
148.350	Definitions
148.360	Types of Subacute Alcoholism and Substance Abuse Services
148.370	Payment for Subacute Alcoholism and Substance Abuse Services

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Section
148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Services
148.390 Hearings

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 148.120 Disproportionate Share Hospital Adjustments

- a) Beginning July 1, 1988, the Department will make payment adjustments to hospitals which are deemed as disproportionate share hospitals by the Department. Qualified Disproportionate Share Hospitals. For inpatient services provided on or after July 1, 1989, the Department shall make adjustment payments to hospitals which are deemed as disproportionate share by the Department. A hospital may qualify for a disproportionate share adjustment in one of two the following ways:

- 1) The hospital's Medicaid inpatient utilization rate, in terms of inpatient days of care provided to Title XIX recipients compared to total inpatient days of care provided, is at least one standard deviation above the mean Medicaid utilization rate. Title XIX specifically excludes General Assistance (GA) and Aid to the Medically Indigent (AMI) days but does include Medicare/Medicaid crossover days.
- 2) The hospital's low income utilization rate exceeds 25%. For this alternative, payments for all patient services (not just inpatient) for

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Section 148.120 Disproportionate Share Hospital Adjustments (Cont'd)

Medicaid, GA, AMI and/or any local or state government-funded care, must be counted as a percentage of all net patient service revenue. To this percentage, the percentage of total inpatient charges attributable to inpatient charges for charity care (less payments for GA and AMI inpatient hospital services, and/or any local or state government-funded care) must be added.

- 3) Illinois hospitals that are located in a federally designated Health Manpower Shortage Area (42 CFR 5, 1989) that have a Medicaid inpatient utilization rate, as defined in subsection (a)(1) above, that is at least the mean Medicaid inpatient utilization rate for all hospitals in Illinois receiving medical assistance payments from the Department and which are located in a planning area with one-third or fewer excess beds as determined by the Illinois Health Facilities Planning Board (77 Ill. Adm. Code 1100).

- 4) Any children's hospital, which means a hospital devoted exclusively to caring for children. A hospital which includes a facility devoted exclusively to caring for children that is separately licensed as a hospital by a municipality shall be considered a children's hospital to the degree that the hospital's medical assistance care is provided to children.

- b) In addition, to be deemed a disproportionate share hospital, a hospital must have provide the Department, in writing, with the names of at least 2 obstetricians with staff privileges at the hospital who have agreed to provide obstetric services to individuals entitled to such services under a State-Medicaid plan. In the case of a hospital located in a rural area (that is, an area outside of a Metropolitan Statistical Area, as defined by the Executive Office of Management and Budget), the term "obstetrician" includes any physician with staff privileges at the hospital to perform nonemergency obstetric procedures. This requirement does not apply to a hospital in which the

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(Cont'd)

inpatients are predominantly individuals under 18 years of age; or does not offer nonemergency obstetric services as of December 21, 1987. Hospitals that do not offer nonemergency obstetrics to the general public must submit a statement to that effect.

c) In making the determination described in subsection (a)(1) above, the Department will use the hospital's cost reports and the Department's paid claims data for the hospital's base fiscal year (i.e., calendar year 1986 for fiscal year 1989 payments, calendar year 1987 for fiscal year 1990, etc.) for information regarding Illinois Medicaid recipient utilization levels. In addition, hospital statements and verification reports from other states will be required to verify out-of-state Medicaid recipient utilization levels. Also, a hospital that was the recipient of delegated days and did not receive payment directly from the Department (i.e., the delegating hospital received payment from the Department and then reimbursed the recipient hospital) must submit information to the Department identifying the delegating hospital and documenting that the delegated days were provided by the recipient hospital.

d) Hospitals not qualifying as disproportionate share hospitals by the Department under subsection (a)(1), may be considered under subsection (a)(2) by submitting a certified financial statement.

e) ~~Payments to Disproportionate Share Hospitals.~~
Inpatient Payment Adjustments to Disproportionate Share Hospitals. The adjustment payments required by subsection (a) above shall be calculated annually as follows:

- 1) Hospitals qualifying as disproportionate share hospitals under subsections (a)(1) and (a)(2) will receive an add-on payment to their inpatient rate. The distribution method is based upon a total-disproportionate-share fund of \$5M. All qualifying hospitals qualifying under subsection (a)(1) and subsection (a)(2) will receive a five dollar (\$5) per day add-on to their current rate. The total cost of this adjustment is

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Section 148.120 Disproportionate Share Hospital Adjustments
(Cont'd)

calculated by multiplying each hospital's total most recent completed fiscal year 1987 Medicaid inpatient day utilization data by five dollars (\$5). The total dollar amount of this calculation is then subtracted from the \$5M fund. The remaining fund balance is then distributed to the hospitals that qualify under subsection (a)(1) above in proportion to the percentage by which the hospital's Medicaid inpatient utilization rate exceeds one standard deviation above the State's mean Medicaid inpatient utilization rate. This is done by finding the ratio of each hospital's percent Medicaid utilization to the State's mean plus one standard deviation percent Medicaid value. These ratios are then summed and each hospital's proportion of the total is calculated. These proportional values are then multiplied by each hospital's fiscal year 1987 most recent completed fiscal year paid inpatient day values. These weighted values are summed and each hospital's proportion of the summed weighted value is calculated. Each individual hospital's proportional value is then multiplied against the total \$5M pool of disproportionate share money available after the five dollars (\$5) per day base add-on has been subtracted. The total dollar amount calculated for each hospital (plus the initial five dollars (\$5) per day add-on amount) is then divided by the inpatient day projections to arrive at per day add-on value. Hospitals qualifying under subsection (a)(2), will receive the minimum adjustment of five dollars (\$5) per inpatient day. The disproportionate share adjustment will be allocated using one dollar (\$1) per inpatient-day as a minimum--per hospital qualifying under subsection (a)(1) above this minimum amount will increase in proportion to the percentage by which the hospital's Medicaid inpatient utilization rate exceeds one standard deviation above the State's mean Medicaid inpatient utilization rate--Hospitals qualifying under subsection (a)(2) will receive the minimum adjustment of one dollar (\$1) per inpatient-day.

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- 2) In addition to the adjustment methodology described in subsection (e)(1) above, all disproportionate share hospitals described in subsection (a) shall receive a payment adjustment which will be calculated annually as follows:

A) The hospital's inpatient payment rate shall be multiplied by .0734, the product which shall then be multiplied by the sum of the following:

- i) the hospital's occupancy ratio multiplied by .75;
- ii) the hospital's Medicaid inpatient utilization rate; and
- iii) the hospital's Medicare utilization differential.

B) The amount calculated pursuant to subsection (e)(2) above shall be added to 20, and this sum plus any applicable amount calculated under subsection (e)(1) shall be the inpatient payment adjustment in dollars for the applicable fiscal year.

f) Children's Hospital Inpatient Payment Adjustment. For children's hospitals, as defined in subsection (a)(4), the amount calculated pursuant to subsection (e)(2)(A) shall be multiplied by 2.0.

g) Inpatient Payment Adjustment Definitions. The definitions of terms used with reference to calculation of the inpatient payment adjustments are as follows:

1) "Medicaid inpatient utilization rate" means a fraction, the numerator of which is the number of a hospital's inpatient days provided in a given 12-month period to patients who, for such days, were eligible for Medicaid under Title XIX of the Federal Social Security Act (42 U.S.C. Sec. 1396a et. seq.) and the denominator of which is the

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Section 148.120 Disproportionate Share Hospital Adjustments
(Cont'd)

total number of the hospital's inpatient days in that same period.

2) "Mean medical assistance inpatient utilization percentage" means the total number of medical assistance inpatient days provided by all Medicaid-participating hospitals divided by the total number of inpatient days provided by those same hospitals.

3) "Medicare utilization differential" means a hospital's Medicare inpatient utilization percentage minus the mean Medicare inpatient utilization percentage; provided, however, that in no event shall the Medicare utilization differential be less than zero.

4) "Medicare inpatient utilization percentage" means a fraction, the numerator of which is the number of a hospital's inpatient days provided in a given 12-month period to patients who, for such days, were eligible for Medicare under Title XVIII of the Federal Social Security Act, and the denominator of which is the total number of the hospital's inpatient days in that same period.

5) "Mean Medicare inpatient utilization percentage" means the total number of Medicare inpatient days provided by all Illinois hospitals divided by the total number of inpatient days provided by those same hospitals.

6) "Occupancy ratio" means a fraction, the numerator of which is the hospital's occupancy rate as determined by the Illinois Department of Public Health and the denominator of which is the mean occupancy rate of:

- A) all Illinois hospitals located within Metropolitan Statistical Areas when calculating the occupancy ratio for a hospital located within a Metropolitan Statistical Area; or
- B) all Illinois hospitals located outside of Metropolitan Statistical Areas when calculating

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Section 148.120 Disproportionate Share Hospital Adjustments
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the occupancy ratio for a hospital located
outside of any Metropolitan Statistical Area.

- 7) "Mean occupancy rate" means the sum of occupancy rates, as determined by the Illinois Department of Public Health, of all hospitals within a category of hospitals described in subsection (g)(3) divided by the total number of hospitals in such category.

§7h) Payments to Participating Out-of-State Hospitals. For purposes of the determination described in subsection (a)(1), out-of-state hospitals will be measured in relationship to the mean Medicaid inpatient utilization rate in their state. Out-of-state hospitals which do not qualify by the Medicaid inpatient utilization rate from their state may submit a certified financial statement as described in subsection (d). Payments to out-of-state hospitals will be allocated using the same method as described in subsection (e).

- i) Time Limitation for Additional Information Requirements. Beginning with state fiscal year 1991 ("FY '91") determinations for disproportionate share, submittal of information required in subsections (a)(2), (b), (c) and (d) must be received no later than June 30th of the state's fiscal year immediately preceding the fiscal year for which the hospital is requesting consideration of such information for the determination of disproportionate share qualification (i.e., for the FY'91 determination, information must be received no later than June 30, 1990). Information required in subsections (a)(2), (b), (c) and (d) which is not received in compliance with these time limitations will not be considered for the determination of those hospitals qualified for disproportionate share payment adjustments.

(Source: Amended at 14 Ill. Reg. 2553, effective February 9, 1990)

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- 1) The Heading of the Part: MEDICAL PAYMENT

- 2) Code Citation: 89 Ill. Adm. Code 140

- 3) Section Numbers: Adopted Action:

140.543 Amendment
140.560 Amendment
140.561 Amendment
140.562 Amendment
140.569 Amendment

- 4) Statutory Authority:

89 Ill. Adm. Code 140.543, 140.560, 140.561 and 140.562

Sections 5-1 et. seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-1 et. seq. and 12-13).

89 Ill. Adm. Code 140.569

Section 5-5.8a of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-5.8a)

- 5) Effective Date of Adopted Amendments: February 9, 1990

- 6) Does this rulemaking contain an automatic repeal date?

Yes ☐ No ☒

- 7) Do these Adopted Amendments contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: February 9, 1990

- 9) Notices of Proposal Published in Illinois Register:

89 Ill. Adm. Code 140.543, 140.560, 140.561 and 140.562

August 18, 1989 (13 Ill. Reg. 13178)

89 Ill. Adm. Code 140.569

October 6, 1989 (13 Ill. Reg. 15612)

- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

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11) Differences between proposal and final version:

89 Ill. Adm. Code 140.543, 140.560, 140.561 and 140.562

In the main source note, line 30, capitalized the first letter of the word "sections."

In Section 140.560, in line 9 of the opening paragraph, added a comma after 1989. This same correction was made to several other subsections in this rulemaking.

In Section 140.560(a), line 14, changed "Section 140.560" to "the opening paragraph of this Section."

In Section 140.561(e) in line 1, changed "rule" to "Section".

89 Ill. Adm. Code 140.569

Based on comments received regarding this rulemaking, the following changes were made:

1. In Section 140.569(k), corrected the indent level of all lines of this subsection so that they all appear at the text level of first level subsections.
2. In Section 140.569(1)(1), in line 8, gave the Section and title of the Act which corresponds to the statutory citation.
3. Modified Section 140.569(a)(1) to add as the last sentence, "For purposes of this Section, substantial compliance shall mean compliance with eligibility standards required of providers under the Department's QUIP program, 140.525(b)."
4. Modified Section 140.569(a)(4) by adding as the last sentence, "In determining the rate of payment to a facility, the Department shall take into account cost information submitted by the facility."
5. Amended Section 140.569(d)(1) to add after the word "therapist" the parenthetical "(as certified/registered by the Department of Professional Regulation)" in order to clarify by whom the professionals are registered or certified.

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6. Amended Section 140.569(d)(2) to delete the word "regular."

7. Amended Section 140.569(d)(2) to add after the first sentence the following language:

Inservice training must be conducted at least annually by a certified respiratory therapy technician or registered respiratory therapist (as certified/registered by the Department of Professional Regulation) or a qualified registered nurse who has at least one year experience in the care of ventilator dependent persons. Inservice training documentation shall include name and qualification of the inservice director, duration of presentation, content of presentation and signature and position description of all participants.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Adopted Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.400	Amendment	February 2, 1990 (14 Ill. Reg. 1737)
140.420	Amendment	January 26, 1990 (14 Ill. Reg. 1570)
140.421	Amendment	January 26, 1990 (14 Ill. Reg. 1570)
140.428	Amendment	September 15, 1989 (13 Ill. Reg. 14265)
140.429	Repealed	September 15, 1989 (13 Ill. Reg. 14265)
140.435	Amendment	February , 1990 (14 Ill. Reg. 1737)

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Section Numbers	Proposed Action	Illinois Register Citation
140.436	Amendment	February 3, 1990 (14 Ill. Reg. 1737)
140.475	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.476	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.477	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.478	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.479	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.480	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.481	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.525	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.526	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.528	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.565	Repealed	November 17, 1989 (13 Ill. Reg. 17667)
140.566	Repealed	November 17, 1989 (13 Ill. Reg. 17667)
140.567	Repealed	November 17, 1989 (13 Ill. Reg. 17667)
140.568	Repealed	November 17, 1989 (13 Ill. Reg. 17667)

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Section Numbers	Proposed Action	Illinois Register Citation
140. Table D	Amendment	January 26, 1990 (14 Ill. Reg. 1570)

15) Summary and Purpose of Amendments:

89 Ill. Adm. Code 140.543, 140.560, 140.561 and 140.562

The Department is implementing changes to its long term care reimbursement methodology in accordance with provisions of Senate Bill 0384. The changes include the following elements:

1. The Department will use the latest cost reports filed before April 1 of each year to set July 1 rates.
2. The support rate ceiling was increased from the 65th percentile to the 75th percentile.
3. The nursing rate will be increased by 7.1 percent to provide for direct care staff wage increases for Fiscal Year 1990 only.

The changes will ensure that public assistance clients have adequate access to long term care facilities. The changes are estimated to increase the Department's aggregate expenditures for facilities by \$40 million in Fiscal Year 1990.

In addition, the Department is amending payment policy for facilities licensed as ICF/DD-15. The support ceilings for ICF/DD-15s will be determined by using actual costs for those facilities. These ceilings were previously based upon 106.6 percent of the ceilings used for SNF/ICF facilities. This change is estimated to increase the Department's aggregate expenditures for facilities by \$4.5 million in Fiscal Year 1990.

89 Ill. Adm. Code 140.569

The negotiated rate concept which makes provision for those clients with exceptional nursing care needs has been expanded to a more comprehensive plan whose rate structure is facility specific.

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Exceptional medical care is defined as the level of medical care required by persons (including persons with acquired immune deficiency syndrome (AIDS) or a related condition) who are medically stable and ready for discharge from a hospital but who require an intensive level of care for physician, nurse and ancillary specialist services.

This rule revision provides contract requirements, staffing levels and training requirements, program conditions and eligibility factors. It also includes a provision for payment to a hospital if skilled nursing services cannot be located.

This rule revision is estimated to increase the Department's aggregate expenditures by \$2.15 million in Fiscal Year 1990.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Daniel Leikvold, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section	Incorporation By Reference
140.1	Medical Assistance Programs
140.2	Covered Services Under The Medical Assistance Programs for AFDC, AFDC-WANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.3	Covered Medical Services Under GA and AMI Medical Services Not Covered
140.4	Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Infants Under Age One Year
140.5	Medical Assistance For Qualified Severely Impaired Individuals
140.6	Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.7	Medical Assistance Provided to Incarcerated Persons
140.8	
140.9	
140.10	

SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

Section	Enrollment Conditions for Medical Providers
140.11	Participation Requirements for Medical Providers
140.12	Definitions
140.13	Denial of Application to Participate in the Medical Assistance Program
140.14	Recovery of Money
140.15	Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.16	Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17	

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Section	
140.18	Effect of Termination on Individuals Associated with Vendor
140.19	Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20	Submittal of Claims
140.21	Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.22	Magnetic Tape Billings
140.23	Payment of Claims
140.24	Payment Procedures
140.25	Overpayment or Underpayment of Claims
140.26	Payment to Factors Prohibited
140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
140.42	Limitation on Prior Approval
140.43	Post Approval for items or Services When Prior Approval Cannot Be Obtained
140.71	Drug Manual (Recodified)
140.72	Drug Manual (Recodified)
140.73	Drug Manual Updates (Recodified)
SUBPART C: HOSPITAL SERVICES	
Section	
140.94	Hospital Services (Recodified)
140.95	Participation (Recodified)
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
140.104	Bone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)

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Section	
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.398	Hearings (Recodified)
SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES	
Section	
140.400	Payment to Practitioners and Laboratories
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services

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Section	
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists
140.425	Podiatry Services
140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services
140.430	Independent Laboratory Services
140.431	Services Not Covered by Independent Laboratory
140.432	Limitations on Independent Laboratory Services
140.433	Payment for Laboratory Services
140.434	Record Requirements for Independent Laboratories
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.452	Mental Health Clinic Services
140.453	Definitions
140.454	Types of Mental Health Clinic Services
140.455	Payment for Mental Health Clinic Services
140.456	Hearings
140.460	Clinic Services
140.461	Clinic Participation Requirements
140.462	Covered Services in Clinics
140.463	Encounter Rate Clinics
140.464	Psychiatric Clinics (Hospital-based)
140.465	Speech and Hearing Clinics
140.466	Rural Health Clinics
140.467	Independent Clinics
140.469	Hospice
140.470	Home Health Services
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140.472	Types of Home Health Services
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Section	
140.476	Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made
140.477	Limitations on Equipment, Supplies and Prosthetic Devices
140.478	Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
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140.480	Equipment Rental Limitations
140.481	Payment for Medical Equipment, Supplies and Prosthetic Devices
140.482	Family Planning Services
140.483	Limitations on Family Planning Services
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140.485	Medichek Services
140.486	Limitations on Medichek Services
140.487	Payment on Medichek Services
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.495	Psychological Services
140.496	Payment for Psychological Services
140.497	Hearing Aids
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140.500	Group Care Services
140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Continuation of Payment Because of Threat To Life
140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Services Provided Without Charge
140.512	Utilization Control
140.513	Utilization Review Plan
140.514	Certifications and Recertifications of Care
140.515	Management of Recipient Funds--Personal Allowance Funds
140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds--Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds

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140.525	Eligibility For Quality Incentive Program (QUIP)
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP)
140.527	Quality Incentive Survey
140.528	Payment of Quality Incentive
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140.530	Basis of Payment for Group Care Services
140.531	General Service Costs
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140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
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140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports-Filing Requirements
140.543	Time Standards for Filing Cost Reports
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140.554	Component Inflation Index
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Incentive Payments for Quality Care
140.566	Level I Incentive Payments
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140.571	Fair Rental Value (FRV) Calculation
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140.577	Capital Costs for Rented Facilities (Renumbered)
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140.582	Cost Adjustments
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140.646	Reimbursement for Developmental Training for the Mentally Retarded Who Reside in Long Term Care Facilities
140.647	Description of Developmental Training Service Levels
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140.649	Effective Dates of Reimbursement for Day Programs
140.650	Certification of Day Programs
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140.652	Terms of Assurances and Contracts
140.680	Effective Date of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations
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140.850	Facility/Client Participation (Recodified)
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140.860	Payment (Recodified)
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140.870	Guidelines (Recodified)
140.875	Intermediate Care (ICF/MR) (Recodified)
140.880	Skilled Care (SNF/PED) (Recodified)
140.885	Statewide Rates (Recodified)
140.890	Reimbursement for ICF/MR-15 and Under Facilities (Recodified)
140.895	Night Shift Reimbursement (Recodified)
140.896	Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)

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Section	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.900	Functional Areas of Needs (Recodified)
140.901	Service Needs (Recodified)
140.902	Definitions (Recodified)
140.903	Times and Staff Levels (Repealed)
140.904	Statewide Rates (Repealed)
140.905	Reconsiderations (Recodified)
140.906	Midnight Census Report (Recodified)
140.907	Times and Staff Levels (Recodified)
140.908	Statewide Rates (Recodified)
140.909	Referrals (Recodified)
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140.911	Interim Nursing Rates (Recodified)
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Section	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.940	Definition of Terms (Recodified)
140.942	Notification of Negotiations (Recodified)
140.944	Hospital Participation in ICARE Program Negotiations (Recodified)
140.946	Negotiation Procedures (Recodified)
140.948	Factors Considered in Awarding ICARE Contracts (Recodified)
140.950	Closing an ICARE Area (Recodified)
140.952	Administrative Review (Recodified)
140.954	Payments to Contracting Hospitals (Recodified)
140.956	Admitting and Clinical Privileges (Recodified)
140.958	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.960	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.962	Contract Monitoring (Recodified)
140.964	Transfer of Recipients (Recodified)
140.966	Validity of Contracts (Recodified)
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TABLE B	Health Service Areas
TABLE C	Capital Cost Areas
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TABLE E	Time Limits for Processing of Prior Approval Requests
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TABLE G	Travel Distance Standards
TABLE H	Staff Time and Allocation by Need Level (Recodified)
TABLE I	Staff Time and Allocation for Training Programs (Recodified)
TABLE J	HSA Grouping

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13).

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding Sections being

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codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 5235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 239, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill.

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Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140. Table H and 140. Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; emergency amendment at 12 Ill. Reg. 14271, effective August 29, 1988; amended at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989;

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Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 140.543 Time Standards for Filing Cost Reports

- a) Except as provided in subsections (b) and (c) below, the cost report must be filed within 90 days of the end of the facility's fiscal year. One extension up to 30 60 days shall be granted for circumstances which will not allow a cost report to be properly completed before the due date of the report. The written request for an extension must be submitted to the Office of Health Finance prior to the original due date. All requests shall be judged based upon the individual circumstances to determine the length of the extension.
- b) Change of Ownership - The new owner or lessee must file a cost report 9 months after acquisition (covering the first 6 months of operation). A change of ownership is dated from the closing of the sale or from the date of the oldest lease agreement between the present incumbents of a lease. The facility must also file a cost report within 90 days of the close of its first complete fiscal year.

- 1) A change of corporate stock ownership does not constitute a change in ownership.
- 2) The Department will not recognize any subsequent transaction by the lessee as a new acquisition for purposes of capital reimbursement. Capital costs are allowed only when a facility is constructed, sold or leased for the first time.

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Section 140.543 Time Standards for Filing Cost Reports (Cont'd.)

The Department will recognize the one lease as a new acquisition.

- c) New Facility - A facility which is licensed for the first time must file a projection of capital costs before any warrants will be released to the facility. A full cost report must be filed within 9 months after opening the facility (covering at least the first 6 months of operation). The facility must also file a cost report within 90 days of the close of its first complete fiscal year.

(Source: Amended at 14 Ill. Reg. 2564, effective February 9, 1990)

Section 140.560 Components of the Base Rate Determination

Except as specified otherwise in this Section, rates will be calculated from the facility's cost report submitted from its full fiscal year ending during the calendar year ended 18 months prior to the beginning of the rate year. For example, cost reports for fiscal years ending in calendar year 1986 are used in the rate calculation for the rate year to begin on July 1, 1988. Rates calculated for the rate year beginning July 1, 1990, and for subsequent years thereafter shall be based on the facility's cost report for the facility's full fiscal year ending at any point in time during the previous calendar year as long as that cost report is filed prior to April 1. Otherwise, the latest cost report available on March 31 will be used to set rates for July 1. For example, if a facility with a December 31, 1989, year end files their cost report prior to April 1, 1990, that cost report will be used to set rates for the rate year to begin on July 1, 1990. In this example, if the December 31, 1989, cost report is not filed until after March 31, 1990, the December 31, 1988, cost report will be used to set rates for the rate year to begin on July 1, 1990.

- a) In the case of a change in ownership of a previously certified facility, the rate issued to the previous owner will be in effect for the remainder of the rate year. A new rate will be calculated for the next rate year based on the new owner's cost report if a cost report covering a minimum of the first six months of operation is received by the Finance Section Office of

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Section 140.560 Components of the Base Rate Determination (Cont'd.)

Health Finance prior to July April 1st. If a cost report covering the first six or more months of operation for the new owner cannot be filed with the Finance-Section Office of Health Finance prior to July April 1st, the rate will be calculated based upon the prior owner's cost report filed in accordance with Section 140.560-above, the opening paragraph of this Section. A cost report which has not been completed in accordance with the Department's rules and cost report instructions will not be considered as received until all cost report pages are properly completed.

b) In the case of a new facility, capital reimbursement will be assigned on the receipt of the first cost report (which may be an abbreviated cost report.) The support reimbursement will be set at the median for that region. The facility must then file a six month cost report, (beginning with date the first patient was admitted) which contains actual historical cost information. The capital and support rates will then be recalculated based upon this cost report. Rates so calculated will go into effect on the first day of the first month after the six month cost report is received by the Finance-Section- Department's Office of Health Finance. The facility must obtain written verification of the initial cost reporting periods from the Office of Health Finance.

c) When a construction addition to the building will increase the licensed bed capacity by 10 percent or more, the facility may file a revised cost report reflecting the increased capital investment. If this revised cost report is filed within 30 days of the date of the increase in licensure as determined by the Illinois Department of Public Health, any increase in the capital rate will be effective on the effective date of licensure increase. If the revised cost report is filed more than 30 days after the effective date of increase in licensure, any increase in the capital rate will be effective on the first day of the first month after the report is received by the Finance Section.

d) Once a rate for an individual facility has been

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Section 140.560 Components of the Base Rate Determination (Cont'd.)

calculated, a new rate will not be calculated during the course of the rate year except as provided in subsections (b) and (c) above.

e) If a facility incurs building construction improvements which would raise the base year grouping, then the nursing home may file a revised cost report which reports the increased capital investment. The base year is defined in Section 140.570(b)(2) and Section 140. Table J shows the groupings. If the improvements have been completed and put into use prior to the forthcoming rate year and the cost report reflecting increased capital costs is filed prior to the beginning of the next rate year, then any increase in the capital rate will be effective on the first day of the rate year.

(Source: Amended at 14 Ill. Reg. 2564, effective February 9, 1990)

Section 140.561 Support Costs Components

Support Costs Components (includes laundry, dietary, house-keeping, utility and administrative expenses)

a) The Department shall reimburse each facility for support costs associated with the provision of long term care on the basis of the relationship between the facility's per diem allowable support costs and referent values determined for each Health Service Area (HSA) group from the distribution of per diem allowable support costs for all long term care facilities with adequate cost report data. For all facilities with a Department of Public Health license classification SNF/ICF (Skilled Nursing Facility, Intermediate Care Facility) or ICF/DB (Intermediate Care Facility for the Developmentally Disabled), the support rate will be computed as follows for the rate year to begin July 1, 1989, and subsequent years:

1) If a facility's per diem allowable support costs are less than the 35th percentile value for per diem allowable support costs in the HSA group, the support rate will be equal to the facility's

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Section 140.561 Support Costs Components (Cont'd.)

per diem allowable support costs plus 50% of the difference between the 65th 75th percentile value for per diem allowable support costs in the HSA group and the facility's per diem allowable support costs, up to a ceiling. The ceiling shall be equal to 50% of the difference between the 65th 75th percentile value of allowable per diem support costs for the HSA group and the 35th percentile value of allowable per diem support costs for the HSA group plus \$.05.

2) If a facility's per diem allowable support costs are greater than or equal to the 35th percentile value of per diem allowable support costs for the HSA group and less than the 65th 75th percentile value of per diem allowable support costs for the HSA group, the support rate will be equal to the facility's per diem allowable support costs plus 50% of the difference between the 65th 75th percentile value of per diem allowable support costs for the HSA group and the facility's per diem allowable support costs.

3) If a facility's per diem allowable support costs are equal to or greater than the 65th 75th percentile value of per diem allowable support costs for the HSA group, the support rate will be equal to the 65th 75th percentile value of per diem allowable support costs for the HSA group.

4) For the purpose of reimbursement, the Department shall equalize SNF and ICF support costs by

A) subtracting from SNF support costs a factor which represents variable support costs statistically related to patient condition, and

B) including this factor as part of SNF nursing costs.

b) For all facilities with a Department of Public Health license classification SNF/PED (Skilled Nursing Facility for Pediatric residents), the support rate will be computed exactly as described for the SNF/ICF and ICF/DD facilities, except that the referent value

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Section 140.561 Support Costs Components (Cont'd.)

for each HSA group (i.e. the 35th percentile values and the 65th 75th percentile values for per diem allowable support costs) will be increased to 120% of the referent values applied in the computation of the support rates for SNF/ICF and ICF/DD facilities.

c) For all facilities with a Department of Public Health license classification ICF/DD-15 (Intermediate Care Facility for the Developmentally Disabled with 15 or fewer residents), the support rate will be computed exactly as described for the SNF/ICF and ICF/DD facilities, except that the referent values for each HSA group (i.e. the 35th percentile values and the 65th 75th percentile values for per diem allowable support costs) will be increased to 106.6% of the referent values applied in the computation of the support rates for SNF/ICF and ICF/DD facilities based upon cost of facilities licensed as ICF/DD-15.

d) For all facilities with a Department of Public Health license classification SLC (Specialized Living Center), as determined by the Department of Mental Health and Developmental Disabilities and recognized by the Department of Public Aid, the support rate will be computed exactly as described for the SNF/ICF and ICF/DD facilities, except that the referent values for each HSA group (i.e. the 35th percentile values and the 65th 75th percentile values for per diem allowable support costs) will be increased to 152.8% of the referent values applied in the computation of the support rates for SNF/ICF and ICF/DD facilities.

e) The reimbursement methodologies specified by this ~~rule~~ Section will apply to all services provided on and after July 1, 1985.

(Source: Amended at 14 Ill. Reg. 2564, effective February 9, 1990)

Section 140.562 Nursing Costs

a) The Department reimburses for nursing costs based on geographic area in which the facility is based, and the level of care the facility (or distinct part

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Section 140.562 Nursing Costs (Cont'd.)

thereof) is licensed to provide. Nursing costs also include an increment to reimburse for patients requiring skilled care for differences in support cost areas statiscally related to variable patient conditions. For residents in Skilled Nursing Facilities (SNF) and Intermediate Care Facilities (ICF), the Department reimburses for nursing costs according to Sections 140.900 through 140.907; for residents in Skilled Nursing Facilities for Pediatrics (SNF/PED) or Intermediate Care Facilities for the Medically Retarded (ICF/MR), the Department reimburses for nursing costs according to Sections 140.850 through 140.885.

- b) For the period July 1, 1986, through December 31, 1986, no facility's rate of reimbursement for Nursing Services shall be less than 90% of the rate of reimbursement for Nursing Services that facility received for the period January 1, 1986, through June 30, 1986.
- c) For the period July 1, 1986 through December 31, 1986, the Department shall perform an additional computation for the rate of reimbursement for Nursing Services.
 - 1) For intermediate and skilled care facilities, the additional computation is as follows:
 - A) Unadjusted nursing rates will be computed according to Section 140.905.
 - B) The unadjusted nursing rate will be compared to 90 percent of the previous effective rate for Nursing Services for each facility. The greater of the two rates will be the "hold harmless" nursing rate.
 - C) The mean difference between the "hold harmless" nursing rates and the previous effective nursing rates will be computed for each HSA area. This difference will be an interim base for the HSA area.
 - D) The adjusted nursing rate will be the sum of the "hold harmless" nursing rate and the interim base rate.

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Section 140.562 Nursing Costs (Cont'd.)

- 2) For intermediate and skilled care facilities for the developmentally disabled, the additional computation is as follows:
 - A) Unadjusted nursing rates will be computed according to Section 140.885.
 - B) The mean difference between the unadjusted nursing rates and the previous effective nursing rates will be computed for each licensure group. This difference will be an interim base rate for the licensure group.
 - C) The adjusted nursing rate will be the sum of the unadjusted nursing rate and the interim base rate.
- d) For the period January 1, 1987 through June 30, 1987, the nursing rate component for any skilled and intermediate care facility (not including facilities for the developmentally disabled) will be the higher of either the rate for the prior rate period (July 1, 1986 through December 31, 1986) or the rate as calculated according to Subpart G.
- e) For the period January 1, 1987 through June 30, 1987, the nursing rate component for facilities for the developmentally disabled will be the same as for the prior rate period (July 1, 1986 through December 31, 1986).
- f) For the period July 1, 1987, through December 31, 1987, the nursing rate component (updated for wage inflation from January 1, 1987, through January 1, 1988, as computed in Sections 140.909(b)(1)(A)(iv) and (v)) for long term care facilities for the developmentally disabled will be the same as for the prior rate period (January 1, 1987, through June 30, 1987).
- g) For the period January 1, 1988 through June 30, 1988, the nursing rate component for facilities for the developmentally disabled will be the same as for the prior rate period (July 1, 1987 through December 31, 1987).

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Nursing Costs (Cont'd.)

Section 140.562 Nursing Costs (Cont'd.)

- h) For the period July 1, 1989 through December 31, 1989 and the period January 1, 1990 through June 30, 1990 nursing rates established for all long term care facilities with a SNF, ICF, or ICF-MI license shall be increased by a 7.1% nursing wage adjustment factor.

(Source: Amended at 14 Ill. Reg. 2564, effective February 9, 1990)

Section 140.569 Clients With Exceptional Nursing Care Needs

Notwithstanding the provisions of Subparts P and G of this Part, the Department may negotiate a special rate of payment to a skilled nursing facility if the negotiated rate is at least twenty-five percent less than the rate paid by the Department for the client's care in a hospital. The Department will negotiate a special rate of payment if the following factors exist:

- a) The client's hospital must document that clients are medically stable for discharge but near acute care hospital level of intensity, require multi-disciplinary care, i.e., care by a physician, a nurse, and a therapist, require care in at least four of the following body system areas: respiratory, skin, urinary, digestive, emotional, neuro-muscular, and cardiovascular; needs active physical and other therapies; and exhibits a near total dependency on mechanical equipment in order to maintain life. Required documentation includes, but is not limited to a physician's written statement specifying client needs, medical records including case history and/or detailed summary of the client's condition, list of medication needs, list of medical equipment and supply needs, and care plan or synopsis of needs.

- b) All licensure and certification standards as exist for facilities providing skilled nursing care must be met.

a) Exceptional Care Program

- 1) Pursuant to Section 5-5A of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, par. 5-5A), the Department may make payments to nursing facilities which substantially meet

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Section 140.569 Clients With Exceptional Nursing Care Needs (Cont'd.)

licensure and certification requirements as may be prescribed by the Department of Public Health. For purposes of this Section, substantial compliance shall mean compliance with eligibility standards required of providers under the Department's QVIP program, 140.525(b).

- 2) The Department may, but is not required to, enter into contracts with facilities offering exceptional medical services, referred to herein as Providers.

- 3) Exceptional medical care is defined as the level of medical care required by persons who are medically stable and ready for discharge from a hospital but who require a multi-disciplinary level of care for physician, nurse and ancillary specialist services with exceptional costs related to extraordinary equipment and/or supplies that have been determined to be a medical necessity. This includes but is not limited to persons with acquired immune deficiency syndrome (AIDS) or related condition, head-injured persons, and ventilator dependent persons. Consideration may be given to those residents currently residing in a facility who require a multi-disciplinary level of care and meet criteria as stated in subsection (j)(2).

- 4) The Department shall negotiate with nursing home providers and enter into a contract with Providers. The rate of payment will be reasonable and adequate to meet the costs incurred by the facilities providing exceptional care. The rate of payment shall not exceed the amount the Department determines would be paid under Medicare principles of reimbursement. Providers may negotiate separate facility wide rates for separate types of care. In determining the rate of payment to a facility, the Department shall take into account cost information submitted by the facility.

- b) Exceptional Care Contract Requirements

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Section 140.569 Clients With Exceptional Nursing Care Needs
(Cont'd.)

The Department may enter into a contract for exceptional care services only if the provider agrees to the following conditions:

- 1) The provider will maintain separate records regarding costs related to the care of the exceptional care residents, reporting them in the ancillary section of the Department Long Term Care Facility Cost Reports.
- 2) The facility must demonstrate the capacity and capability to provide exceptional care as documented by Department of Public Health and Department of Public Aid records.
- 3) The provider must maintain and provide documentation demonstrating:
 - A) Adherence to staffing requirements as set out in subsection (c);
 - B) Adherence to staff training requirements as set out in subsection (d);
 - C) Validity of written agreements as required in subsection (e);
 - D) Presence of emergency policy and procedures as set out in subsection (f);
 - E) Medical condition of the resident; and
 - F) Care, treatments and services provided to the resident.
- 4) The Provider must have and maintain physical plant adaptations to accommodate the necessary equipment.
- 5) The Provider must have and maintain an emergency electrical backup system.
- 6) The Provider must agree to accept at least seventy-five percent (75%) of all Department persons determined in need of exceptional care

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Section 140.569 Clients With Exceptional Nursing Care Needs
(Cont'd.)

services if the facility is at less than 95% occupancy. The period used for determining the 75% quota will be no later than six months after the effective date of the contract between the Department and the provider. The Department may review compliance as necessary. Failure of the provider to comply with this quota may render, at the discretion of the Department, the exceptional care contract void and may exclude the the effected provider as a participant in the exceptional care contact program for a period not to exceed one (1) year.

c) Exceptional Care Staffing Requirements

Staffing requirements for facilities providing exceptional care include:

- 1) A minimum of one RN on duty on the day and evening shifts, seven days per week;
- 2) A minimum of the required number of LPN staff (as required by the Department of Public Health and set out in 77 Ill. Adm. Code 300.1230 and 300.1240), on duty, with an RN on call on the night shift, seven days per week; and
- 3) A respiratory therapist, on staff or on contract with the facility, for those facilities serving ventilator dependent residents or residents requiring respiratory therapy services.
- d) Exceptional Care Staff Training Requirements for Facilities Providing Ventilator Dependent Care

Training requirements for facilities providing exceptional care for ventilator dependent residents include:

 - 1) At least one of the full-time professional nursing staff members has successfully completed a course in the care of ventilator dependent individuals and the use of ventilators, conducted and documented by a respiratory therapist (as certified/registered by the Department of

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(Cont'd.)

Professional Regulation) or a qualified registered nurse who has at least one year experience in the care of ventilator dependent persons, and

2) All staff caring for ventilator dependent residents must have documented inservice training in ventilator care prior to providing such care. Inservice training must be conducted at least annually by a certified respiratory therapist technician or registered respiratory therapist (as certified/registered by the Department of Professional Regulation) or a qualified registered nurse who has at least one year experience in the care of ventilator dependent persons. Inservice training documentation shall include name and qualification of the inservice director, duration of presentation, content of presentation and signature and position description of all participants.

e) Exceptional Care Agreement Requirements

The Provider must have a valid written agreement with:

- 1) A medical equipment and supply provider which must include a service contract for ventilator equipment when accepting ventilator dependent residents;
- 2) A local emergency transportation provider;
- 3) A local hospital capable of providing the necessary care for equipment dependent residents, when appropriate; and
- 4) A respiratory therapist, (unless a respiratory therapist is on staff within the facility) when accepting ventilator dependent residents or residents requiring respiratory therapy services.

f) Exceptional Care Emergency Policy and Procedures Requirements

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Section 140.569 Clients With Exceptional Nursing Care Needs
(Cont'd.)

The Provider must have specific written policies and procedures addressing emergency needs for residents requiring exceptional care.

g) Accessibility to Records

The Provider must make accessible to IDPA and/or IDPH all facility, resident and other records necessary to determine that the needs of the resident are being met and to determine the appropriateness of exceptional care services.

h) Contract Negotiations

1) A Provider shall notify the Department of its interest in participating in the Exceptional Care Program in writing by certified or registered mail, return receipt requested.

2) Negotiations between the Provider and the Department shall be conducted solely on an individual facility basis. Multiple facility negotiations shall not be permitted.

3) Prior to the beginning of negotiations, the Provider shall submit to the Department a completed Exceptional Care Data Sheet. The Department shall furnish such Data Sheet. The Exceptional Care Data Sheet shall require:

- A) Identification of the types, quantities and costs of services which the Provider intends to offer;
 - B) A staffing plan for the area of the facility serving exceptional care residents; and
 - C) Documentation of the qualifications of staff serving exceptional care residents.
- 4) The Department shall provide each Provider which has notified the Department of its interest in participation in the Exceptional Care Program with a copy of the proposed contract provisions by mailing such proposed contract provisions to

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Section 140.569 Clients With Exceptional Nursing Care Needs
(Cont'd.)

the provider. Each contract shall be for a period of one year.

i) Renewal/Nonrenewal of Exceptional Care Contracts

1) Providers desirous of renewing exceptional care contracts must contact the Department in writing sixty (60) days prior to the expiration date of the contract to express their intent to renew the contract.

2) Upon receipt of the Providers' intent to renew their contract, the Department shall open negotiations as set forth in subsection (h).

3) Providers desiring to terminate or not renew their contract shall notify the Department sixty (60) days prior to the date of termination or contract expiration. Payment for new admissions at an exceptional care rate will not be made to those providers who do not have a valid exceptional care contract. Payment for exceptional care residents in facilities which terminate or do not renew their contracts will remain at the previous exceptional care rate until such time as the resident no longer requires exceptional care as determined by the Department's utilization review (see Contract Monitoring 2 and 3) or the resident is discharged.

4) It is the responsibility of a nursing home provider to effect appropriate discharge planning for exceptional care residents when terminating or not renewing its contract. The Department agrees to assist providers with any information available regarding appropriate placement settings.

j) Determining eligibility for exceptional care payment.

1) All persons must be approved by an authorized Department representative prior to placement in a facility to be eligible for exceptional care payment. Excluding those residents currently enrolled in the negotiated rate program.

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Section 140.569 Clients With Exceptional Nursing Care Needs
(Cont'd.)

2) In order for a person to be approved for exceptional care placement the cost of the person's care must be at least 50% more than the proposed admitting facility's per diem rate (capital, support and nursing components). Eligible items which may be used in computing the cost of the person's care include nursing services costs, therapy services costs, and medical equipment and supply costs. Computations for determining cost of care shall be based upon maximum allowable costs for service equipment and supplies and HSA wage rates for the proposed admitting facility as determined by the Department.

k) Provision for Patients for which a Long Term Care Placement is Unavailable

In the event placement for a patient in need of exceptional care services or skilled nursing services cannot be located, the Department shall approve payment to the hospital in which the patient is receiving services. The rate of payment to the hospital shall not exceed the average statewide long term care facility per diem rate for the level of services provided.

l) Contract Monitoring

1) All utilization controls applied to exceptional care by the Department in accordance with the approved plan for medical services under Section 5-2 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, par. 5-2), and Title XIX of the Federal Social Security Act (42 U.S.C. 1396a) shall continue to apply to exceptional care provided under the Exceptional Care Program (Ill. Rev. Stat. 1987, ch. 111 1/2 par. 6503-5; Section 3-5 of the Health Finance Reform Act).

2) The Department shall provide for a program of delegated utilization review and quality assurance. The Department may contract with Medical Peer Review organizations to provide

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(Cont'd.)

utilization review and quality assurance under
any contract negotiated for exceptional care.

3) The Department shall review exceptional care
residents' utilization of services every ninety
(90) days.

4) In the event that it is determined that the
resident is no longer in need of exceptional care
services, the Department shall reduce the rate of
payment to the provider to the facility's
standard Medicaid per diem rate.

(Source: Amended at 14 Ill. Reg. 2564, effective February
9, 1990)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Maintenance

2) Code Citation: 89 Ill. Adm. Code 602

3) Section Numbers: 602.20
Adopted Action:
amendment

4) Statutory Authority: Implementing and authorized by
Sections 3(a), (b), and (k) of "AN ACT in relation to
rehabilitation of persons with one or more disabilities"
(Ill. Rev. Stat. 1988 Supp., ch. 23, pars. 3434(a), (b), and
(k)).

5) Effective Date of Amendment: February 5, 1990

6) Does this rulemaking contain an automatic repeal date?
Yes ☒ No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: January 30, 1990

9) Notice of Proposal Published in Illinois Register:
September 22, 1989, 13 Ill. Reg. 14797
(issue date)

10) Has JCAR Issued a Statement of Objections to this (these)
Rule(s)? No If answer is "yes," please complete the
following:

A) Statement of Objection: (issue date), Ill. Reg. _____

B) Agency Response: (issue date), Ill. Reg. _____

C) Date Agency Response Submitted for Approval to JCAR:

11) Difference(s) between proposal and final version: Pursuant
to agreements with the Administrative Code Division and the
Joint Committee on Administrative Rules, the following
changes were made:

1. In Section 602.20, a closing parenthesis was added
after "effective _____".

DEPARTMENT OF REHABILITATION SERVICES

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2. A semicolon was included after "1985" in the Source note.
3. The "r" in "after" was underlined in the last sentence of Section 602.20.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes
- 13) Will this rule replace an Emergency Rule(s) currently in effect? No
- 14) Are there any amendments pending on this Part: No

Section Numbers Proposed Action Illinois Register Citation

- 15) Summary and Purpose of Rule(s): Section 602.20 has been amended to cite exceptions for which maintenance may be provided once a client has become employed. Minor wording changes were also made.

- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Leigh Reed
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

The full text of Adopted Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 602
MAINTENANCE

Section	
602.10	General Applicability
602.20	Provision of Maintenance

AUTHORITY: Implementing and authorized by Sections 3(a), (b), and (k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1988 Supp., ch. 23, pars. 3434(a), (b), and (k)).

SOURCE: Adopted at 9 Ill. Reg. 8809, effective June 10, 1985; amended at 11 Ill. Reg. 4036, effective February 18, 1987; amended at 12 Ill. Reg. 6745, effective March 29, 1988; amended at 14 Ill. Reg. 2598, effective February 5, 1990.

Section 602.20 Provision of Maintenance

Maintenance will be provided to clients to cover a disabled individual's basic living expenses (such as food, shelter, clothing and other subsistence expenses), in accordance with Client Financial Participation (89 Ill. Adm. Code 562), and when it is necessary to support and derive the full benefit of other vocational rehabilitation services being provided. Supplemental Security Income will be considered as income available to the client for basic living expenses, for purposes of determining the amount of maintenance provided by DORS. The client shall indicate to the counselor that the objectives established in the client's Individualized Written Rehabilitation Program cannot be completed without payment of ~~unless~~ subsistence expenses. ~~are~~ ~~taken care of.~~ With the exception of those services listed in 89 Ill. Adm. Code 562.30(a)(1) through (4), Maintenance payments will not be provided after ~~one~~ a client has become employed and has received his/her first paycheck.

(Source: Amended at 14 Ill. Reg. 2598 effective Feb. 5, 1990.)

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NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Procedures and Standards
- 2) Code Citation: 92 Ill. Adm. Code 1001
- 3) Section numbers: Adopted Action:
1001.410 Amendment
1001.420 Amendment
- 4) Statutory Authority: Subpart A implementing Sections 2-113, 2-118, 6-205, 6-206, and 6-108 and authorized by Sections 2-103, 2-104 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 2-103, 2-104, 2-106 2-107, 2-108 2-113, 2-114, 2-118). Subpart B implementing Chapter 7 and authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114 and 7-101 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114, and 7-101). Subpart C implementing Sections 6-205(c) and 6-206(c)(3) and authorized by Sections 2-103 and 2-104 of Chapter 95 1/2, pars. 2-103, 2-104, 6-205(c) and 6-206(c)(3)). Subpart D authorized by Sections 2-104 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), 6-206(c)(3) and 6-208 of the Illinois Vehicle Code (Ill. Rev. Stat. 1988, ch. 95 1/2, pars. 2-104, 6-103, 6-205(c), 6-206(c)(3) and 6-208)
- 5) Effective Date of Amendment: February 15, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 15, 1990
- 9) Notice of Proposal Published in Illinois Register:
November 3, 1989 - 13 Ill. Reg. 16932
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version:
 1. Deleted "near" from Section 1001.420(c)(3) and inserted in lieu thereof: "within a radius of one mile from the".
 2. Added "(less than once per week)" after "infrequent basis" in Section 1001.420(c)(3).
 3. Added "al" to "education" in the definition of "Accredited education institution" in Section 1001.410.

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4. Corrected the heading for Section 1001.220 in the table of contents.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The proposed amendments will implement the educational restricted driving permit created by Public Act 86-929. The educational restricted driving permit will allow students whose driving privileges are revoked or suspended to be allowed to drive to school.
- 16) Information and questions regarding this adopted amendment shall be directed to:
Philip S. Howe
Counsel to the Secretary
298 Centennial Building
Springfield, Illinois 62706
(217)785-3094

The full text of the Adopted Amendment begins on the next page:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1001
PROCEDURES AND STANDARDS

SUBPART A: FORMAL ADMINISTRATIVE HEARINGS

Section	Applicability
1001.10	Definitions
1001.20	Right to Counsel
1001.30	Appearance of Attorney
1001.40	Special Appearance
1001.50	Substitution of Parties
1001.60	Commencement of Actions; Notice of Hearing
1001.70	Motions
1001.80	Form of Papers
1001.90	Conduct of Formal Hearings
1001.100	Orders
1001.110	Record of Hearings
1001.120	Invalidity
1001.130	

SUBPART B: ILLINOIS SAFETY RESPONSIBILITY HEARINGS

Section	Applicability
1001.200	Definitions
1001.210	Hearings: Notice; Location; Procedures; Record
1001.220	Rules of Evidence
1001.230	Scope of Hearings
1001.240	Decisions and Orders
1001.250	Rehearings
1001.260	Judicial Review
1001.270	Invalidity
1001.280	

SUBPART C: RULES ON THE CONDUCT OF INFORMAL HEARINGS
IN DRIVERS LICENSE SUSPENSIONS AND REVOCATIONS

Section	Applicability
1001.300	Definitions
1001.310	Right to Representation
1001.320	Records and Reports
1001.330	Location of Hearings
1001.340	Duties and Responsibilities
1001.350	Decisions
1001.360	Invalidity
1001.370	

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SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS,
REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF
DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section	Applicability
1001.400	Definitions
1001.410	General Provisions Relating to the Issuance of Restricted Driving Permits
1001.420	General Provisions for Reinstatement of Driving Privileges after Revocation
1001.430	Provisions for Alcohol and Drug Related Revocations, Suspensions, Cancellations, and Denials
1001.440	New Hearings
1001.450	Requests for Modification of Revocations and Suspensions
1001.460	Renewal, Correction and Cancellation of RDP's
1001.470	Unsatisfied Judgement Suspensions
1001.480	Invalidity
1001.490	

AUTHORITY: Subpart A implementing Sections 2-113, 2-118, 6-205, 6-206, and 6-108 and authorized by Sections 2-103, 2-104 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 2-103, 2-104, 2-106, 2-107, 2-113, 2-114, 2-118). Subpart B implementing Chapter 7 and authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-113, 2-114, and 7-101 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114, and 7-101). Subpart C implementing Sections 6-205(c) and 6-206(c)3 and authorized by Sections 2-103 and 2-104 of Chapter 95½ of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 2-103, 2-104, 6-205(c), and 6-206(c)3). Subpart D authorized by Section 2-104 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), 6-206(c)3, and 6-208 of the Illinois Vehicle Code (Ill. Rev. Stat. 1988, ch. 95½, pars. 2-104, 6-103, 6-205(c), 6-206(c)3, and 6-208).

SOURCE: Adopted and codified at 7 Ill. Reg. 7501, effective June 17, 1983; amended at 8 Ill. Reg. 4220, effective April 1, 1984; emergency amendment at 9 Ill. Reg. 17030, effective October 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4558, effective March 18, 1986; amended at 11 Ill. Reg. 17844, effective October 15, 1987; amended at 13 Ill. Reg. 15803, effective October 1, 1989; amended at 14 Ill. Reg. 2601, effective February 15, 1990.

NOTE: Capitalization denotes Statutory language.

SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS,
REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF
DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section 1001.410 Definitions

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"Abstinence" means to refrain from consuming any type of alcoholic liquor or drugs.

"Abstract" means a summary of a driver's record of traffic law violations, accidents, suspensions, revocations, cancellations, address and personal information of the driver, as contained in the files of the Office of the Secretary of State.

"Accredited educational course" means any class or course of instruction offered by an accredited educational institution, which course is either vocational in nature, or is part of the matriculation process in receiving an academic degree, diploma, or certificate. It shall also include attendance at any required instructional class in an apprentice program.

"Accredited education institution" means any school, or institution, whether public or private, which offers classes or courses of instruction, and which is reviewed and approved or granted a waiver of approval by the controlling state agency.

"Alcohol and Drug Evaluation (Original)" means a typewritten report which conforms to standards established by the Illinois Department of Alcoholism and Substance Abuse (DASA). (See 77 Ill. Adm. Code 2056.305) The evaluation must be completed on a form prescribed by DASA. The evaluation must be signed and dated by both the evaluator and the Petitioner.

"Alcohol and Drug Evaluation (Update)" means a typewritten report which conforms to standards established by the Department, as specified in Section 1001.440(a)(6)(B) of this Subpart. The evaluation must be completed on a form prescribed by the Department. The update evaluation must be completed by the evaluator who did original evaluation.

"Alcohol and Drug Related Driver Remedial Program" means an education program concerning the effects of alcohol/drugs on drivers of motor vehicles.

"Applicant" or "Petitioner" is the party who seeks or applies for relief from the Office from the suspension, revocation, cancellation, or denial of his/her driving privileges pursuant to the provisions of the Illinois Vehicle Code.

"BAC" means blood alcohol concentration as determined by a chemical test administered by police authorities or medical personnel to measure the concentration of alcohol in the bloodstream.

"Clinical Impression" means a qualified professional's (See

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definition of "Alcohol or Drug Evaluation") interpretation of specific data, which is obtained during an evaluation process, regarding the nature and extent of an individual's use of alcohol and/or other drugs.

"DASA" means the Illinois Department of Alcoholism and Substance Abuse.

"Department" means the Department of Administrative Hearings of the Office of the Secretary of State.

"Designated Driver Remedial or Rehabilitative Program" means an alcohol or drug evaluation, an alcohol or drug related driver remedial program, an alcohol or drug treatment program, the Office driver improvement program, or any similar program intended to diagnose and change an Applicant's driving problem as evidenced by the Applicant's abstract. (See Sections 6-205(c) and 6-206(c)3 of the Code.

"Director" means the Director or Acting Director of the Department.

"Documentation of Abstinence" means testimony and documentation, in the form of affidavits, letters, etc. from individuals who have regular, frequent contacts with the Petitioner (e.g. spouse, significant other, employer, co-workers, roommates) verifying that to the best of their knowledge the Petitioner has been abstinent from alcohol/drugs for a specified period of time.

"DUI" means driving under the influence.

"Employ" or "Employed" or "Employment" shall all relate to activity for compensation to support oneself or one's dependents as well as activities ordered by a court in connection with a sentence which includes the completion of a term of community service.

"Evaluator" means any person qualified to conduct an alcohol and drug evaluation, which would include either a staff member of a DUI program licensed by DASA who satisfies that Department's qualifications, or physician. Evaluations may be performed by staff members of hospital based DUI programs where: the program is licensed by DASA to provide evaluations; the Petitioner has participated in and completed alcohol/drug treatment at the hospital; or where a previous evaluation by the program was submitted and accepted by the office of the Secretary of State. (See 77 Ill. Adm. Code 2056.1).

"Fee" means the statutory fees for restricted driving permits or reinstatement of driving privileges, as specified in Section 6-118 of the Code.

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"Hearing" means Informal Hearings and Formal Hearings.

"JDP" means a Judicial Driving Permit, as defined by Section 6-206.1 of the Code which may be ordered by the court of venue to "first offenders" as defined in Section 11-501.1 of the Code.

"Level I - Non-problematic (Minimal Risk)" means the classification resulting from an alcohol and drug evaluation assigned to an Applicant who has no prior convictions or court ordered supervisions for DUI, a blood alcohol concentration (BAC) at time of arrest of less than .20, and no other symptoms of alcohol or drug abuse or dependence within the past twelve months. (See 77 Ill. Adm. Code 2056.310).

"Level II - Problematic Use (Moderate Risk)" means the classification resulting from an alcohol and drug evaluation assigned to an Applicant who has no prior conviction(s) or court ordered supervision(s) for DUI and a blood alcohol concentration (BAC) at the time of arrest of .20 or higher and no other symptoms of alcohol or drug abuse within the past twelve months. (See 77 Ill. Adm. Code 2056.310).

"Level II - Problematic Use (Significant Risk)" means the classification resulting from an alcohol and drug evaluation assigned to an Applicant who has prior conviction(s) or court ordered supervisions(s) for DUI and/or a blood alcohol concentration (BAC) of .20 or higher as a result of the most current arrest for DUI and/or other symptoms of alcohol or drug abuse. (See 77 Ill. Adm. Code 2056.310).

"Level III - Problematic Use Dependent (High Risk)" means the classification resulting from an alcohol and drug evaluation assigned to an Applicant with symptoms of alcohol and/or drug dependence. (See 77 Ill. Adm. Code 2056.310).

"Office" means the Office of the Secretary of State and not any particular department address, or location.

"Reinstatement" means the restoration of driving privileges entitling the Applicant to apply for a new drivers license in accordance with the requirements of the Illinois Vehicle Code and the Rules promulgated thereunder.

"Respondent" means a person against whom a complaint or petition is filed, or who, by reason of interest in the subject matter of a petition of application or the relief sought therein, is made a Respondent or to whom an order or complaint is directed by the Department initiating a proceeding.

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"RDP" means a restricted driving permit, as defined by Section 1-173.1 of the Code and limited as specified in Sections 6-205(c) and 6-206(c)(3) of the Code.

"Secretary" means the Illinois Secretary of State.

"Self-help Program" means an independent non-profit organization comprised of individuals who hold voluntary meetings specifically to help each member to achieve and/or maintain abstinence from alcohol and/or other drugs.

"Significant Other" means any person with whom an individual is experiencing an ongoing, close association that represents a meaningful part of that individual's established lifestyle (e.g. spouse, other family member, employer, co-worker, clergy member, roommate).

"Support/Recovery Program" means specific activities which a recovering alcoholic/chemically dependent person has incorporated into his/her lifestyle to help support his/her continued abstinence from alcohol and other drugs. This may include, but is not limited to participating in a self-help group (Alcoholics Anonymous, Narcotics Anonymous, etc.), a professional support group, or regularly and frequently engaging in religious activities which have a distinct and positive effect on an individual's continued abstinence. Any activity and its relationship to the individual's ability to remain abstinent must be clearly identified and verified by proper documentation independent from an individual's self report (such as indicated in Section 1001.440(e)-(i)). The Hearing Officer shall determine the viability of the activity as a means of supporting continued abstinence, taking into account all the evidence brought forward at the hearing.

"Undue Hardship" as it relates to educational pursuits means an extreme difficulty in getting to and from the location of the accredited education course, due to the loss of driving privileges. It is more than mere inconvenience to the Applicant, and pertains only to the Applicant. All other reasonable means of transportation must be unavailable to the Applicant. An undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

"Undue Hardship" relating to employment means, as used in the context of Sections 6-205(c) and 6-206(c)(3) of the Code an extreme difficulty in regard to getting to or from an Applicant's place of employment or to operate on a route during employment, e.g. as delivery person, because of the suspension, revocation, or cancellation of the Applicant's driving privileges. It is more than mere inconvenience on the Applicant, and pertains only to the Applicant.

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All other reasonable means of transportation must be unavailable to the Applicant. An undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

"Undue Hardship" as it relates to necessary medical care means an extreme difficulty in regard to getting to and from a location where an Applicant or a member of his/her immediate family receives examinations, therapy or treatment, etc., prescribed or recommended by a physician and, in the case of a diagnosis or clinical impression of alcoholism/chemical dependency, where an Applicant is participating in an ongoing support program as prescribed or recommended by a physician or other qualified professional. It means more than mere inconvenience. There must be no other reasonable alternative means of transportation available. An undue hardship is not demonstrated by the mere fact that the Applicant's driving privileges are suspended or revoked.

(Source: Amended at 14 Ill. Reg. 2601, effective Feb. 15, 1990)

Section 1001.420 General Provisions Relating to the Issuance of Restricted Driving Permits

a) RDP Classifications

- 1) An Applicant for an employment related RDP must be currently employed, or present a verifiable commitment for employment, and the employment must be verified upon forms prescribed by the Department.
- 2) An applicant for a RDP for medical or treatment purposes must provide verifiable documentation from the doctor, counselor or program involved.
- 3) An Applicant for a RDP for court ordered community service must provide certified court documents detailing the terms of the service, including but not limited to the place or places the service is performed, the hours during which the service is to be performed and the nature of the service.
- 4) An Applicant for an educational RDP must be currently enrolled, or intend on enrolling, in an accredited educational institution for the purpose of taking an accredited educational course or courses. Prior to the issuance of any educational RDP, the Applicant must submit verification of such enrollment from the institution. Such verification shall be on a form provided by the Secretary of State.
- b) A RDP may be granted only after suspension, revocation, or cancellation for the offenses listed in Sections 6-205, 6-206, 6-303,

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6-201(a)5 as it relates to 6-103.4 and 11-501.1 of the Code. Applicants who are eligible to apply for a JDP will not be considered for a RDP.

c) An Applicant must prove by clear and convincing evidence that an undue hardship is currently being suffered as a result of the inability to legally operate a motor vehicle. Mere inconvenience to the Applicant, or family and friends is not undue hardship. The Applicant should produce clear and convincing evidence as to the unavailability of reasonable alternative means of transportation, such as but not limited to: walking, mass transit, car pools, or being driven; how Applicant is currently getting to his/her destination; whether driving is required in the course of employment; the distance between the Applicant's residence and his/her destination; and similar factors relating to employment, and/or necessary medical care, and/or educational pursuits.

1) Appropriate limits will be established for necessary on-the-job driving. The days, hours, and mileage limits will not exceed those absolutely necessary for the accomplishment of the applicant's primary employment and shall be limited to a maximum of twelve (12) hours per day and six (6) days per week unless the request for increased limits is substantially documented, such as through an employer's verification of the Petitioner's work schedule.

2) A medical RDP may include attendance at no more than three self-help program meetings per week.

3) An educational RDP will be subject to appropriate limits necessary to allow the Applicant to get to and from the subject institution/courses. The days and hours will not exceed those absolutely necessary for that purpose and shall be limited to a maximum of twelve (12) hours per day and six (6) days per week. Additional parameters to consider in setting such limits shall include whether the Applicant commutes daily to the courses, or lives on or within a radius of (1) mile from the campus and only needs to drive to and from the institution on an infrequent basis (less than once per week) and is then able to get to the courses by other means of transportation. Such permit shall expire at the conclusion of the period in which the Applicant is currently enrolled. Each new enrollment period shall require a new application for an educational RDP.

d) Factors which will be considered by the Department in determining the propriety of granting a Petitioner a RDP include, but are not limited to: the Applicant's age; whether the Applicant has driven while suspended or revoked; duration of present employment; number

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of years licensed to drive; number, severity, and frequency of accidents; frequency, type, and severity of traffic violations; efforts at rehabilitation or reform of past driving practices; demeanor of Applicant in hearing; credibility of Applicant and witnesses in hearing; credibility and weight of Applicant's documentary evidence; Applicant's total driving record, including but not limited to reasons for violations, prior permits issued (unless such permits were issued pursuant to the order of a circuit or appellate court following an administrative review action) and driving record while on such permits, driving history in another state if licensed previously; reports of probation and/or parole officers; and psychiatric reports where the evidence shows that Petitioner is suffering or has suffered from a mental disorder which might affect his/her ability to operate a motor vehicle in a safe and responsible manner.

e) The effect of the issuance of a RDP upon public safety will be carefully considered before any RDP is granted, pursuant to Sections 6-205(c) and 6-206(c)(3) of the Code.

f) No RDP will be issued while any ticket is pending against him/her in any court of this or any other state, unless the pending citation or citations are also the cause of an open summary suspension or suspensions.

g) A Petitioner who is otherwise eligible for a RDP may be referred to a remedial or rehabilitative program prior to the permit's issuance, if his/her driving record warrants such measures. (See Sections 6-205(c) and 6-206(c)(3) of the Code).

h) A Petitioner otherwise eligible for reinstatement of driving privileges or termination of a cancellation under 6-201(a)5 as it relates to 6-103.4, may be issued a RDP for a probationary or trial period, prior to full reinstatement of driving privileges or termination of cancellation in cases where the Petitioner has a poor driving record evidenced by many minor violations or a few serious violations or has been evaluated as Level II or Level III by an alcohol/drug evaluation.

i) A RDP will be issued to an out-of-state resident only if he/she has a valid license to drive issued by the jurisdiction in which he/she resides; he/she has a verified employment, or medical, or educational related need to drive in Illinois; and he/she complies with all other requirements of this Subpart.

j) A RDP will not be issued to a new resident of Illinois if his/her driving privileges are suspended or revoked in another jurisdiction until such time as that suspension or revocation ends.

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k) No fees will be collected before a decision is made on an application.

l) The Director or a designee shall make the final decision, on each application, on behalf of the Secretary. Applicants will receive a copy of the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommendations, and the Secretary's Order.

m) A Petitioner will be required to complete and submit an alcohol and drug evaluation as part of the Secretary's investigative process, where the evidence indicates that alcohol or drug use may have been involved in a traffic violation, a traffic accident or any crime.

n) A Petitioner will be required to submit to a driver's license examination prior to the issuance of a RDP if no such test has been successfully completed in the preceding twelve (12) months.

(Source: Amended at 14 Ill. Reg. 2601, effective February 15, 1990.)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Carriage by Public Highway
- 2) Code Citation: 92 Ill. Adm. Code 177
- 3) Section Numbers: Adopted Action:
177.2000 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 95 1/2
pars. 700-4(a) and 700-9(a)
- 5) Effective date of rules: February 1, 1990.
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference?
Yes. These conform to Section 6.02(a) of the Illinois
Administrative Procedure Act.
- 8) Date filed in agency's principal office: January 30, 1990
- 9) Notice of proposal published in Illinois Register:
October 20, 1989, 13 Ill. Reg. 16367
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:
The following changes were made in agreement with the Code
Division:
The Department corrected the heading in the text of Section
177.2000 to match the heading in the table of contents.
The Department replaced the word "paragraph" with the word
"subsection" in Section 177.2000(a), line 6.
- 12) Have all the changes agreed upon by the agency and JCAR
been made as indicated in the agreements letter issued by
JCAR? No changes were necessary.
- 13) Will this rule replace an Emergency Rule currently in
effect? No
- 14) Are there any amendments pending on this Part? No

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

15) Summary and purpose of rules:

By this Notice of Adopted Amendments, the Department deletes the date of incorporation by reference of 49 CFR 177 as of November 1, 1988, and inserts in its place the date of September 1, 1989.

A review of the federal regulations adopted since November 1, 1988, to the date of incorporation by reference, indicates there are certain changes made by US DOT not reflected in the Department's regulations. This rulemaking does make limited changes in the Department's regulations to bring Part 177 in line with the federal regulations. The following is a summary of the changes in US DOT regulations which are included in this adopted rulemaking.

By adopting this rulemaking, the Department's regulations will incorporate the changes made to part 177 by US DOT in rulemaking Dockets:

HM-183 [54 FR 24982 (June 12, 1989)]

Docket HM-183 amended the federal regulations by revising the requirements for the manufacture of cargo tanks and the operation, maintenance, repair and qualification of all specification cargo tanks. Sections 177.801 and 177.802 were revised to include new information governing the inspection of carrier facilities and records. Section 177.814 updated references to record retention and reporting requirements. Sections 177.822, 177.824, 177.835 and 177.840 were amended by removing references to section numbers and updating section headings.

16) Information and questions regarding these adopted rules shall be directed to:

Tom Crawford, Chief
Regulations & Training Unit
Department of Transportation
Division of Traffic Safety
2300 South Dirksen Parkway
Springfield, Illinois 62764
(217) 785-3064

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 92: TRANSPORTATION
 CHAPTER I: DEPARTMENT OF TRANSPORTATION
 SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 177
 CARRIAGE BY PUBLIC HIGHWAY

Section
 177.1000 General
 177.2000 Incorporation By Reference of 49 CFR 177

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 700-4(a) and 700-9(a)).

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 4 Ill. Reg. 30, p. 1244, effective July 10, 1980; amended at 6 Ill. Reg. 4287, effective April 16, 1982; amended at 7 Ill. Reg. 3486, effective April 2, 1983; codified at 8 Ill. Reg. 18930; Part repealed, new Part adopted at 10 Ill. Reg. 5853, effective April 1, 1986; amended at 10 Ill. Reg. 20749, effective December 1, 1986; amended at 11 Ill. Reg. 4768, effective March 10, 1987; amended at 11 Ill. Reg. 17881, effective October 20, 1987; amended at 12 Ill. Reg. 8074, effective April 26, 1988; amended at 13 Ill. Reg. 3957, effective March 14, 1989; amended at 14 Ill. Reg. 2613, effective February 1, 1990.

Section 177.2000 Incorporation ~~by~~ Reference of 49 CFR 177

- a) As Part 177 of the Illinois Hazardous Materials Transportation Regulations the Department incorporates 49 CFR 177 by reference, as that Part of the federal hazardous materials transportation regulations was in effect on ~~November 1, 1988~~ September 1, 1989, subject only to the exceptions in ~~paragraph~~ subsection (b) of this Section. No later amendments to or editions of 49 CFR 177 are incorporated.
- b) The following interpretations of, additions to and deletions from 49 CFR 177 shall apply for purposes of this Part 177 of the Illinois Hazardous Materials Transportation Regulations.
 - 1) All references to "this part" in the incorporated federal regulations shall mean Part 177 of the Illinois Hazardous Materials Transportation Regulations.

DEPARTMENT OF TRANSPORTATION

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- 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean ~~Subchapter C of Chapter I of Title 92 of the Illinois Administrative Code~~ 92 Ill. Adm. Code: Chapter I, Subchapter C.
- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to Parts 174, 175 or 176, or to sections therein shall be read to refer to those Parts or sections in the federal hazardous materials transportation regulations.
- 5) All references to shipment of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
- 6) All references to motor vehicles engaged in interstate commerce shall be deemed to include any motor vehicle engaged in commerce within the State of Illinois.
- 7) Section 177.804 in 49 CFR is deleted and not incorporated.

(Source: Amended at 14 Ill. Reg. 2613, effective Feb. 1, 1990)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

- 1) Heading of Part: Continuing Qualification and Maintenance of Packaging
- 2) Code Citation: 92 Ill. Adm. Code 180
- 3) Section Numbers: 180.1000
180.2000
Adopted Action:
New Section
New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 700-4(a) and 700-9(a)
- 5) Effective date of rules: February 1, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference?
Yes. These conform to Section 6.02(a) of the Illinois Administrative Procedure Act.
- 8) Date filed in agency's principal office: January 30, 1990
- 9) Notice of proposal published in Illinois Register:
October 20, 1989, 13 Ill. Reg. 16371
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version:
The following changes were made in agreement with the Code Division:
The Department replaced "SUBCHAPTER C" with "SUBCHAPTER C" in the table of contents page.
The Department corrected the spelling of "Illinois" in Section 180.2000(b), line 3.
The Department capitalized the first letter of "section" in subsection 180.2000(b)(3).
The Department deleted the Source Note at the end of Section 180.2000.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by

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- JCAR? No changes were necessary.
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rules:

By this Notice of Adopted Rules, the Department incorporates by reference Part 180 of the Federal Hazardous Materials Transportation Regulations.

A review of federal rulemaking indicates there are certain changes made by US DOT which are not reflected in the Department's regulations. Accordingly, this rulemaking adopts substantive changes in the Department's regulations which will bring them in line with the federal regulations. The following is a summary of the substantive changes in US DOT regulations which are included in this adopted rulemaking.

By adopting Part 180 by reference as of September 1, 1989, the Department's regulations will incorporate Part 180 established by US DOT in rulemaking Docket:

HM-183 [54 FR 24982 (June 12, 1989)]

Docket HM-183 amended the regulations by revising the requirements for the manufacture of cargo tanks and the operation, maintenance, repair and qualification of all specification cargo tanks. For Part 180, requirements were established for the maintenance, use, inspection, repair, retest, and qualification of cargo tanks used to transport hazardous materials.

- 16) Information and questions regarding these adopted rules shall be directed to:

Tom Crawford, Chief
Regulations & Training Unit
Department of Transportation
Division of Traffic Safety
2300 South Dirksen Parkway
Springfield, Illinois 62764
(217) 785-3064

The full text of the Adopted Rules begins on the next page:

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NOTICE OF ADOPTED RULES

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 180

CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGING

Section
180.1000 General
180.2000 Incorporation by Reference of 49 CFR 180

AUTHORITY: Implementing Section 4 (a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 700-4(a) and 700-9(a)).

SOURCE: Adopted at 14 Ill. Reg. 2617, effective February 1, 1990.

Section 180.1000 General

This Part prescribes the requirements for maintenance, use, inspections, repair, retest and requalification of packagings used for the transportation of hazardous materials in Illinois.

Section 180.2000 Incorporation by Reference of 49 CFR 180

a) As Part 180 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates 49 CFR 180 by reference, as that Part of the federal hazardous material transportation regulations was in effect on September 1, 1989, subject only to the exceptions in paragraph (b) of this Section. No later amendments to or editions of 49 CFR 180 are incorporated.

b) The following interpretations of, additions to and deletions from 49 CFR 180 shall apply for purposes of this Part 180 of the Illinois Hazardous Materials Transportation Regulations.

- 1) All references to "this part" in the incorporated federal regulations shall mean Part 180 of the Illinois Hazardous Materials Transportation Regulations.
- 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter C.

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- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to Parts 174, 175, 176, or to sections therein shall be read to refer to those parts or sections in the federal hazardous material transportation regulations.
- 5) All references to shipments of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: General Information, Regulations, and Definitions
- 2) Code Citation: 92 Ill. Adm. Code 171
- 3) Section Numbers: Adopted Action:
171.21 Amendment
171.1000 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 700-4(a) and 700-9(a)
- 5) Effective date of rules: February 1, 1990.
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference?
Yes. These conform to Section 6.02(a) of the Illinois Administrative Procedure Act.
- 8) Date filed in agency's principal office: January 30, 1990
- 9) Notice of proposal published in Illinois Register:
October 20, 1989, 13 Ill. Reg. 16375
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? No changes were necessary.
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rules:

By this Notice of Adopted Amendments, the Department deletes the date of incorporation by reference of certain sections of 49 CFR 171 as of November 1, 1988, and inserts

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in its place the date of September 1, 1989. The Department also makes editorial changes to Section 171.21, and adds subsection 171.1000(b)(9) to note the April 2, 1990, effective date for the Emergency Response Communication Standards.

A review of the federal regulations adopted since November 1, 1988, to the date of incorporation by reference, indicates there are certain changes made by US DOT not reflected in the Department's regulations. This rulemaking does have the effect of making limited substantive changes in the Department's regulations to bring Part 171 in line with the federal regulations. The following is a summary of the changes in US DOT regulations which are included in this rulemaking.

By adopting this rulemaking, the Department's regulations will incorporate changes made to part 171 by US DOT in rulemaking Dockets:

HM-184E [54 FR 954 (January 10, 1989)]
HM-183 [54 FR 24982 (June 12, 1989)]
HM-126C [54 FR 27138 (June 27, 1989)]
HM-166V [54 FR 35651 (August 29, 1989)]

Docket HM-184E amended the regulations to permit the offering, accepting and transporting of hazardous materials shipped by aircraft, conforming to the most recent edition of the International Civil Aviation Organization (ICAO) Technical Instructions. Section 171.7(d)(27) is being revised to reference the 1989-1990 edition.

Docket HM-183 amended the regulations by revising the requirements for the manufacture of cargo tanks and the operation, maintenance, repair and qualification of all specification cargo tanks. Section 171.8 added definitions for "authorized inspector" and "authorized inspection agency" to clarify who is qualified to perform inspections of cargo tanks as required by the hazardous materials regulations. "Cargo tank motor vehicle" and "cargo tank" were revised for clarity and to provide consistency with the regulations.

Docket HM-126C amended the regulations to provide new requirements for emergency response information on shipping papers and placement of emergency response information on vehicles at transportation facilities handling hazardous

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material shipments. Section 171.8 revised the definition for "technical name," section 171.12a was added to require shipments of hazardous materials being imported into the U.S. from Canada to be in compliance with the requirements for emergency response information as specified in the regulations.

Docket HM-166V amended the regulations by revising the requirements for transporting Uranium Hexafluoride. Section 171.1(d)(4)(IV) added a new paragraph to incorporate ANSI N14.1 - 1987 by reference.

16) Information and questions regarding these adopted rules shall be directed to:

Tom Crawford, Chief
Regulations & Training Unit
Department of Transportation
Division of Traffic Safety
2300 South Dirksen Parkway
Springfield, Illinois 62764
(217) 785-3064

The full text of the Adopted Rules begins on the next page:

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TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 171

GENERAL INFORMATION, REGULATIONS AND DEFINITIONS

Section

171.1	Purpose and Scope
171.2	General Transportation Requirements
171.3	Hazardous Waste
171.4	Exemptions
171.6	Agricultural Exception
171.7	Matter Incorporated by Reference (Repealed)
171.8	Definitions and Abbreviations (Repealed)
171.9	Rules of Construction (Repealed)
171.12	Import and Export Shipments (Repealed)
171.14	Specification Markings (Repealed)
171.15	Notification and Reporting of Hazardous Materials Incidents
171.17	Hazardous Substance Discharge Notification
171.18	Continuation of Effectiveness of Existing Bureau of Explosives Registrations (Repealed)
171.19	Approvals or Authorizations Issued by the Bureau of Explosives (Repealed)
171.21	Retailer Exception
171.1000	Incorporation by Reference of 49 CFR 171

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 700-4(a) and 700-9(a)).

SOURCE: Adopted at 3 Ill. Reg. 5, p. 41, effective February 1, 1979; amended at 6 Ill. Reg. 4287, effective April 16, 1982; amended at 7 Ill. Reg. 3486, effective April 2, 1983; codified at 8 Ill. Reg. 17984; amended at 10 Ill. Reg. 9636, effective May 15, 1986; amended at 10 Ill. Reg. 20753, effective December 1, 1986; emergency amendment at 11 Ill. Reg. 1684, effective January 16, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 4772, effective March 10, 1987; amended at 11 Ill. Reg. 7767, effective April 14, 1987; amended at 11 Ill. Reg. 17886, effective October 20, 1987; amended at 12 Ill. Reg. 8078, effective April 26, 1988; amended at 13 Ill. Reg. 3984, effective March 14, 1989; amended at 14 Ill. Reg. 2621, effective February 1, 1990.

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Section 171.21 Retailer Exception

- a) Hazardous materials which are transported in less than case-lot quantities or when repackaged to comply with the quantity limitations prescribed in subsection (b) are not subject to ~~this Part~~ these regulations if all of the following conditions are met:
- 1) Packagings of hazardous materials are enclosed in strong outside packages (49 CFR 171.8), cushioned, if necessary, to prevent breaking and leakage (49 CFR 173.24 (1988)), no further amendments or editions included);
 - 2) Gross weight of less-than-case lots and single unit packagings is not over 100 pounds per vehicle;
 - 3) Transportation is by private motor vehicle, in intrastate commerce, between a final distribution point and a retail establishment or between a retail establishment and a final end user; and,
 - 4) The distance to be travelled does not exceed 100 miles.
- b) Each packaging of hazardous materials subject to this exception shall not exceed the quantity limits established below:
- 1) For liquids, five gallons.
 - 2) For dry materials, twenty-five pounds.
 - 3) For compressed gases:
 - A) In containers of not more than four fluid ounces capacity (7.22 cubic inches or less); or
 - B) In metal containers, with pressure not exceeding 180 psig at 130°F, not to exceed 27.7 fluid ounces (50 cubic inches); or
 - C) For freon, authorized cylinders not to exceed 30 pound capacity; or
 - D) Any other packaging authorized as inside packaging by 92 Ill. Adm. Code 173.306.

(Source: Amended at 14 Ill. Reg. 2621, effective Feb. 1, 1990.)

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Section 171.1000 Incorporation by Reference of 49 CFR 171

- a) As Part 171 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates the following sections of 49 CFR 171 by reference, as those sections of the federal hazardous materials transportation regulations were in effect on ~~November 17, 1988~~ September 1, 1989, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of those sections of 49 CFR 171 of the federal regulations are incorporated.

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| 171.7
171.8
171.9
171.11
171.12
171.12a
171.14
171.18

171.19

171.20 | Matter Incorporated by Reference
Definitions and Abbreviations
Rules of Construction
Use of ICAO Technical Instructions
Import and Export Shipments
Canadian Shipments and Packagings
Specification Markings
Continuation of Effectiveness of Existing Bureau of Explosives Approvals or Authorizations Issued by the Bureau of Explosives
Submission of Examination Reports | <p>b) The following interpretations of, additions to and deletions from the above incorporated sections of 49 CFR 171 shall apply for purposes of this Part 171 of the Illinois Hazardous Materials Transportation Regulations.</p> <ol style="list-style-type: none"> 1) All references to "this part" in the incorporated federal regulations shall mean Part 171 of the Illinois Hazardous Materials Transportation Regulations. 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c. 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations. |
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- 4) All references to Part 176 or to sections therein shall be read to refer to that part or sections in the federal regulations.
- 5) All references to shipments of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
- 6) All references to "these regulations" refers to the Illinois Hazardous Materials Transportation Regulations, 92 Ill. Adm. Code 102-179 and 397.
- 7) All references to a "settlement agreement", in these regulations, means a written understanding between the Department and the person being charged.
- 8) The following paragraphs to Section 171.7 "Matter incorporated by reference" in 49 CFR are deleted and not incorporated: 171.7(d)(2); 171.7(d)(21).
- 9) Provisions of Section 171.12a, as it appears to affect Emergency Response Information in Docket HM-126 [54 FR 27138, (June 27, 1989)], can be done now; but the enforcement date does not become effective until April 2, 1990.

(Source: Amended at 14 Ill. Reg. 2621, effective Feb. 1, 1990)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Hazardous Materials Table and Hazardous Materials Communications
- 2) Code Citation: 92 Ill. Adm. Code 172
- 3) Section Numbers: 172.2000
Adopted Action: Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 95 1/2 pars. 700-4(a) and 700-9(a)
- 5) Effective date of rules: February 1, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes. These conform to Section 6.02(a) of the Illinois Administrative Procedure Act.
- 8) Date filed in agency's principal office: January 30, 1990
- 9) Notice of proposal published in Illinois Register: October 20, 1989, 13 Ill. Reg. 16382
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:
The following changes were made in agreement with the Code Division:
The Department replaced the word "paragraph" with the word "subsection" in Section 172.2000(a), line 6.
12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? No Changes were necessary.
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

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15) Summary and purpose of rules:

By this Notice of Adopted Amendments, the Department deletes the date of incorporation by reference of 49 CFR 172 as of November 1, 1988, and inserts in its place the date of September 1, 1989.

A review of the federal regulations adopted since November 1, 1988, indicates there are certain changes made by US DOT which should be reflected in the Department's regulations. This rulemaking will make limited substantive changes in the Department's regulations to bring Part 172 in line with the federal regulations. The following is a summary of the changes in US DOT regulations which are included in this rulemaking.

By adopting this rulemaking, the Department's regulations will incorporate changes made to part 172 by US DOT in rulemaking Dockets:

HM-183 [54 FR 24982 (June 12, 1989)]
 HM-126C [54 FR 27138 (June 27, 1989)]
 HM-145G [54 FR 34666 (August 21, 1989)]

Docket HM-183 amended the regulations by revising the requirements for the manufacture of cargo tanks and the operation, maintenance, repair and requalification of all specification cargo tanks. Section 172.203 amended paragraph (h) by removing the reference to 173.315.

Docket HM-126C amended the regulations to establish additional requirements for emergency response information on shipping papers on vehicles used for hazardous material shipments. This action resulted in improving the information available to emergency response personnel who might respond to incidents involving hazardous materials. Section 172.202 was amended to require that shipping papers which accompany shipments of hazardous materials contain an emergency response telephone number for hazardous material shipments. Section 172.203 was changed to require the use of technical names of chemicals in conjunction with certain designated generic shipping descriptions now required by the regulations. Section 172.301 was amended to require the marking of the "technical name" on non bulk packagings of hazardous materials for certain materials. Section 172.302 has been removed since the changes to section 172.301 rendered it obsolete. Subpart G of part 172 was

added to define the requirements for emergency response information as to format, contents and accessibility. Emergency response information was prescribed in section 172.602 and requirements for access through a telephone system are prescribed in section 172.604.

Docket HM-145G amended the regulations by revising the "List of Hazardous Substances and Reportable Quantities" in part 172. This action will enable carriers of hazardous materials to specifically identify Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) hazardous substance and to make the required notification if a discharge of a reportable quantity occurs. Section 172.101 appendix was amended to update the hazardous substance and reportable quantity list.

16) Information and questions regarding these adopted rules shall be directed to:

Tom Crawford, Chief
 Regulations & Training Unit
 Department of Transportation
 Division of Traffic Safety
 2300 South Dirksen Parkway
 Springfield, Illinois 62764
 (217) 785-3064

The full text of the Adopted Amendments begin on the next page:

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 92: TRANSPORTATION
 CHAPTER I: DEPARTMENT OF TRANSPORTATION
 SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 172

HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS

Section

172.1000 General

172.2000 Incorporation by Reference of 49 CFR 172

172.2215 Permanent Shipping Papers

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 700-4(a) and 700-9(a)).

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 6 Ill. Reg. 4287, 4487 and 4573, effective April 16, 1982; amended at 7 Ill. Reg. 3486, effective April 2, 1983; amended at 8 Ill. Reg. 19640, effective October 1, 1984; codified at 8 Ill. Reg. 19601; amended at 8 Ill. Reg. 19622, effective October 1, 1984; emergency amendment at 8 Ill. Reg. 22889, effective November 9, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3810, effective March 11, 1985; Part repealed, new Part adopted at 10 Ill. Reg. 5864, effective April 1, 1986; amended at 10 Ill. Reg. 20759, effective December 1, 1986; emergency amendment at 11 Ill. Reg. 1690, effective January 16, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 4777, effective March 10, 1987; amended at 11 Ill. Reg. 7773, effective April 14, 1987; amended at 11 Ill. Reg. 17893, effective October 20, 1987; amended at 12 Ill. Reg. 8084, effective April 26, 1988; amended at 13 Ill. Reg. 3993, effective March 14, 1989; amended at 14 Ill. Reg. 2628, effective February 1, 1990.

Section 172.2000 Incorporation by Reference of 49 CFR 172

- a) As Part 172 of the Illinois Hazardous Materials Transportation Regulations the Department incorporates 49 CFR 172 by reference, as that Part of the federal hazardous material transportation regulations was in effect on ~~November-17-1988~~ September 1, 1989, subject only to the exceptions in ~~paragraph~~ subsection (b) of this Section and Section 172.2215. No later amendments to or editions of 49 CFR 172 are incorporated.

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- b) The following interpretations of, additions to and deletions from 49 CFR 172 shall apply for purposes of this Part 172 of the Illinois Hazardous Materials Transportation Regulations.

- 1) All references to "this part" in the incorporated federal regulations shall mean Part 172 of the Illinois Hazardous Materials Transportation Regulations.
- 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean ~~Subchapter-c-of-Chapter-I-of-Title-92-of-the-Illinois Administrative-Code~~ 92 Ill. Adm. Code: Chapter I, Subchapter c.
- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to Parts 174, 175 or 176, or to sections therein shall be read to refer to those parts or sections in the federal hazardous material transportation regulations.
- 5) All references to shipment of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
- 6) Any changes to 49 CFR 172 made effective by U.S. DOT Rulemaking Docket HM-187 [49 FR 21933 (May 24, 1984)] covering small arms ammunition are not incorporated.

(Source: Amended at 14 Ill. Reg. 2628, effective Feb. 1, 1990)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Procedures
- 2) Code Citation: 92 Ill. Adm. Code 107
- 3) Section Numbers: Adopted Action:
 107.3 Amendment
 107.301 Amendment
 107.310 Amendment
 107.311 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 700-4(a) and 700-9(a)
- 5) Effective date of rules: February 1, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference?
 Yes. These conform to Section 6.02(a) of the Illinois Administrative Procedure Act.
- 8) Date filed in agency's principal office: January 30, 1990
- 9) Notice of proposal published in Illinois Register:
 October 20, 1989, 13 Ill. Reg. 16387
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:
 The following changes were made in agreement with JCAR and the Code Division:
 The Department added the following definition to Section 107.3:

"Enforcement" means issuance of warnings or notices of violation of any provision of the Act and regulations in Subchapter c and prosecution of violations of these regulations in Subchapter c and the Act.

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The Department inserted the following statutory citation after the definition of "Act" in Section 107.3 and underlined the citation in the Illinois Register version of the rule:

(Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 700-1 et seq.).

The Department inserted a strike-out through the comma following the word "Safety" in the definition of "Division" in Section 107.3.

The Department added, "SUBPART D: ENFORCEMENT" before Section 107.301.

The Department corrected the heading of Section 107.315 in the table of contents to match the heading in the text.

The Department has corrected the indent levels of the text following the label in Sections 107.301 and 107.311.

The Department replaced the phrase "these regulations" with "this Part" in Section 107.311(a), line 3.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes.

13) Will this rule replace an Emergency Rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of Amendment:

By this Notice of Adopted Amendments, the Department makes nonsubstantive changes to four Sections.

This amendment makes editorial changes to Section 107.3 by revising the definition of the term "Division" by deleting the reference to the Hazardous Materials Section. This Section merged with the Vehicle Inspection Section to form what is now the Commercial Vehicle Safety Section. Section 107.301 is being changed to correctly identify the State Police Agency, to delete a reference to the Department of Public Health, and to clarify the use of interagency

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
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PART 107
PROCEDURES
SUBPART A: GENERAL PROVISIONS

agreements in the enforcement of the regulations. Section 107.310 is being revised to more clearly explain the actions of the Department with respect to the review of Notices of Apparent Violation. Section 107.311 is being modified to add the phrase, "or his authorized representative" to the authority for issuance of a warning letter.

Section	Purpose and Scope
107.1	Definitions
107.3	Request for Confidential Treatment
107.5	Service
107.11	Subpoenas
107.13	

16) Information and questions regarding these adopted rules shall be directed to:
Tom Crawford, Chief
Regulations & Training Unit
Department of Transportation
Division of Traffic Safety
2300 South Dirksen Parkway
Springfield, Illinois 62764
(217) 785-3064

Section	Purpose and Scope
107.101	Persons Holding Federal Exemptions
107.102	Applications for Exemptions for Persons Transporting Hazardous Materials Not Governed by the Federal Hazardous Materials Regulations
107.103	Application for Renewal
107.105	Initial Application Review
107.107	Processing of Application
107.109	Party to an Exemption
107.111	Withdrawal
107.117	Termination
107.119	Appeal
107.121	Availability for Public Inspection
107.123	

The full text of the Adopted Amendments begins on the next page:

Section	Responsibility for Enforcement
107.301	Purpose and Scope
107.303	Investigations
107.305	Inspection and Examination of Records and Properties
107.307	Notice of Apparent Violation
107.308	Stopping of Vehicles
107.309	Department Review of Notice of Apparent Violation
107.310	Warning Letter
107.311	Civil Penalties Generally
107.313	Maximum Penalties
107.314	Commencement of Civil Penalty Proceeding
107.315	Reply
107.316	Payment of Penalty
107.317	

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NOTICE OF ADOPTED AMENDMENT(S)

NOTICE OF ADOPTED AMENDMENT(S)

- 107.318 Request for Hearing
- 107.319 Hearing
- 107.320 Presiding Officer's Decision
- 107.321 Assessment Considerations
- 107.323 Appeal
- 107.331 Compliance Orders Generally
- 107.333 Notice of Probable Violation
- 107.334 Reply
- 107.335 Consent Order
- 107.336 Hearing
- 107.337 Presiding Officer's Decision
- 107.338 Compliance Order For Immediate Compliance
- 107.339 Appeal
- 107.341 Injunctions and Other Equitable Relief
- 107.343 Imminent Hazards
- 107.371 Criminal Penalties Generally
- 107.373 Referral for Prosecution

APPENDIX A Standard Conditions Applicable to Exemptions, Packages, Containers, Shipments

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 700-4(a) and 700-9(a)).

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 3 Ill. Reg. 49, p. 273, effective December 10, 1979; amended at 6 Ill. Reg. 4287, effective April 16, 1982; codified at 8 Ill. Reg. 17979; amended at 10 Ill. Reg. 5876, effective April 1, 1986; amended at 14 Ill. Reg. 2633, effective February 1, 1990.

Section 107.3 Definitions

As used in this Part:

"Act" means the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1987, ch. 95 1/2, Pars. 700-1 et seq.).

"Department" means the Illinois Department of Transportation.

"Director" means the Director of the Division of Traffic Safety.

"Division" means the Division of Traffic Safety,--Hazardous-Materials Section.

"Enforcement" means issuance of warnings or notices of violation of any provision of the Act and regulations in Subchapter c and prosecution of violations of these regulations in Subchapter c and the Act.

"Person" means any natural person or individual, governmental body, firm, association, partnership, copartnership, joint venture, company, corporation, joint stock company, trust, estate or any other legal entity or their legal representative, agent or assigns.

"Respondent" means a person upon whom the Department has served a notice of probable violation.

"Secretary" means the Secretary of the Illinois Department of Transportation.

"State" means the State of Illinois.

"State Police" includes any individual officer of the State Police.

Source: Amended at 14 Ill. Reg. 2633, effective Feb. 1, 1990.)

SUBPART D: ENFORCEMENT

Section 107.301 Responsibility for Enforcement

In accordance with delegations of authority from the Secretary, responsibility for enforcement of this Subchapter is exercised by:

- a) The Department of Transportation;
- b) The Department Division-of State Police-of-the-Department of-Law-Enforcement; and
- c)---The-Department-of-Public-Health-with-respect-to-the transportation-of-shipment-of-radioactive-materials,-and
- c)d+ Any other department or agency of State government which has jurisdiction with respect to the transportation of hazardous materials, with which the Secretary concludes an interagency agreement.

(Source: Amended at 14 Ill. Reg. 2633, effective Feb. 1, 1990.)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT(S)

Section 107.310 Department Review of Notice of Apparent Violation

Upon receiving a copy of a notice of apparent violation, the Director-Department shall review the notice and determine whether any further administrative action is required. If the Director-Department determines that further administrative action is required, the Director-Department may take any administrative action set forth in this subpart he it believes is appropriate.

(Source: Amended at 14 Ill. Reg. 2633, effective Feb. 1, 1990)

Section 107.311 Warning Letter

a) When the Director-Department has reason to believe that a person is engaging in conduct which involves a violation of any provision of ~~these regulations~~-this Part, the Director, or his authorized representative, may issue a warning letter which shall:

- 1) Advise the person of the time, place and circumstances of the apparent violation;
 - 2) Advise the person that a subsequent inspection may be conducted to ascertain whether the violation has been corrected; and
 - 3) Warn the person not to repeat the violation in the future.
- b) The warning letter shall be served in the manner prescribed in Section 107.11.

(Source: Amended at 14 Ill. Reg. 2633, effective Feb. 1, 1990)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of part: Shipping Container Specifications
- 2) Code Citation: 92 Ill. Adm. Code 178
- 3) Section Numbers: 178.2000
Adopted Action: Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 700-4(a) and 700-9(a)
- 5) Effective date of rules: February 1, 1990.
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference?
Yes. These conform to Section 6.02(a) of the Illinois Administrative Procedure Act.
- 8) Date filed in agency's principal office: January 30, 1990
- 9) Notice of proposal published in Illinois Register:
October 20, 1989, 13 Ill. Reg. 16400
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version:
The following changes were made in agreement with JCAR and the Code Division:
The Department removed the strikeouts and underscoring of various words in Section headings in the table of contents pages and corrected the positioning of these words.
In Section 178.2000(a), line 6, the Department replaced the word "paragraph" with the word "subsection."
The Department inserted a "comma" in the citation after "1987" in the Authority Note.
In Section 178.2000(b)(2), the Department replaced "Chapter 1" with "Chapter I" immediately following the Administrative Code citation.

DEPARTMENT OF TRANSPORTATION

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- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes.

- 13) Will this rule replace an Emergency Rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and purpose of rules:

By this Notice of Adopted Amendments, the Department makes editorial changes to the table of contents and deletes the date of incorporation by reference of 49 CFR 178 as of November 1, 1988, and inserts in its place the date of September 1, 1989.

A review of the federal regulations adopted since November 1, 1988, to the date of incorporation by reference, indicates there are certain changes made by US DOT not reflected in the Department's regulations. This rulemaking does make limited changes in the Department's regulations to bring Part 178 in line with the federal regulations. The following is a summary of the changes in US DOT regulations which are included in this rulemaking.

By adopting this rulemaking, the Department's regulations will incorporate changes made to part 178 by US DOT in rulemaking Dockets:

HM-183B [54 FR 18820 (May 2, 1989)]
HM-183 [54 FR 24982 (June 12, 1989)]

Docket HM-183B amended the regulations to provide a period of 36 months to allow rear bumper or rear-end tank protection devices to be installed on cargo tank trucks, which are operated in combination with cargo tank full trailers. Section 178.34-8(b) revised the regulations to provide for more flexibility in design and in positioning the rear-end device where it will offer the best protection.

Docket HM-183 amended the regulations by revising the requirements for the manufacture of cargo tanks and the operation, maintenance, repair and requalification of all specification cargo tanks. In part 178, sections have been added, revised and removed to reflect amendments initiated by US DOT.

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- 16) Information and questions regarding these adopted rules shall be directed to:

Tom Crawford, Chief
Regulations & Training Unit
Department of Transportation
Division of Traffic Safety
2300 South Dirksen Parkway
Springfield, Illinois 62764
(217) 785-3064

The full text of the Adopted Rules begins on the next page:

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT(S)

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 92: TRANSPORTATION
 CHAPTER I: DEPARTMENT OF TRANSPORTATION
 SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 178
 SHIPPING CONTAINER SPECIFICATIONS

Section
 178.321

Specification MC 300; Cargo Tanks Constructed of Mild (Open Hearth or Blue Annealed) Steel, or Combination of Mild Steel with High Tensile Steel, or Stainless Steel, Primarily For the Transportation of Flammable Liquids or Poisonous Liquids, Class B

178.321.0.1
 178.321.0.2
 178.321.0.3
 178.321.0.4
 178.321.0.5

[178.321-1] General Requirements
 [178.321-2] Material
 [178.321-3] Thickness
 [178.321-4] Joints
 [178.321-5] Bulkheads, Baffles, and Ring Stiffeners

178.321.0.6
 178.321.0.7
 178.321.0.8
 178.321.0.9
 178.321.1.0
 178.321.1.1
 178.321.1.2
 178.321.1.3
 178.321.1.4
 178.321.1.5
 178.321.1.6
 178.321.1.7
 178.321.1.8
 178.322

Closures for Manholes
 [178.321-6] Overturn Protection
 [178.321-7] Outlets
 [178.321-8] Vents, Valves, and Connections
 [178.321-9] Protection of Fittings
 [178.321-10] Emergency Discharge Control
 [178.321-11] Shear Section
 [178.321-12] Anchoring of Tank
 [178.321-13] Gauging Devices
 [178.321-14] Pumps
 [178.321-15] Testing Requirements
 [178.321-16] Marking of Cargo Tanks
 [178.321-17] Certification
 [178.321-18] Certification
 Specification MC 301; Cargo Tanks Constructed of Welded Aluminum Alloy (Grade 3S), To Be Mounted On and To Form Part Of Tank Motor Vehicles for Transportation of Flammable Liquids, and Poisonous Liquids, Class B

178.322.0.1
 178.322.0.3
 178.322.0.5
 178.322.0.9
 178.322.1.1
 178.322.1.2
 178.322.1.3
 178.322.1.4
 178.322.1.7

[178.322-1] General Requirements
 [178.322-3] Certification
 [178.322-5] Marking of Cargo Tanks
 [178.322-9] Testing Requirements
 [178.322-11] Material
 [178.322-12] Thickness of Sheets and Ring Stiffeners
 [178.322-13] Tolerance
 [178.322-14] Joints
 [178.322-17] Tank Outlets

178.322.1.8
 178.322.1.9
 178.322.2.0
 178.322.2.1
 178.322.2.2
 178.322.2.3
 178.322.2.4
 178.323

[178.322-18] Bulkheads, Baffles, and Ring Stiffeners
 [178.322-19] Tank Vents
 [178.322-20] Valve and Faucet Connections
 [178.322-21] Emergency Discharge Control
 [178.322-22] Shear Section
 [178.322-23] Protection of Valves and Faucets
 [178.322-24] Overturn Protection
 Specification MC 302; Cargo Tanks Constructed of Welded Aluminum Alloy (ASTM B209-57T), Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B

178.323.0.1
 178.323.0.2
 178.323.0.3
 178.323.0.4
 178.323.0.5
 178.323.0.6
 178.323.0.7
 178.323.0.8
 178.323.0.9
 178.323.1.0
 178.323.1.1
 178.323.1.2
 178.323.1.3
 178.323.1.4
 178.323.1.5
 178.312.1.6
 178.323.1.7
 178.323.1.8
 178.324

[178.323-1] General Requirements
 [178.323-2] Material
 [178.323-3] Thickness of Metal
 [178.323-4] Joints
 [178.323-5] Bulkheads, Baffles, and Ring Stiffeners
 [178.323-6] Closures for Manholes
 [178.323-7] Overturn Protection
 [178.323-8] Tank Outlets
 [178.323-9] Vents, Valves, and Connections
 [178.323-10] Protection of Fittings
 [178.323-11] Emergency Discharge Control
 [178.323-12] Shear Section
 [178.323-13] Anchoring of Tank
 [178.323-14] Gauging Devices
 [178.323-15] Pumps
 [178.323-16] Testing Requirements
 [178.323-17] Marking of Cargo Tanks
 [178.323-18] Certification
 Specification MC 303; Cargo Tanks Constructed of Welded Ferrous Alloy (High-Tensile Steel), or Stainless Steel, Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B

178.324.0.1
 178.324.0.2
 178.324.0.3
 178.324.0.4
 178.324.0.5
 178.324.0.6
 178.324.0.7
 178.324.0.8
 178.324.0.9
 178.324.1.0
 178.324.1.1
 178.324.1.2
 178.324.1.3

[178.324-1] General Requirements
 [178.324-2] Material
 [178.324-3] Thickness of Metal
 [178.324-4] Joints
 [178.324-5] Bulkheads, Baffles, and Ring Stiffeners
 [178.324-6] Closures for Manholes
 [178.324-7] Overturn Protection
 [178.324-8] Outlets
 [178.324-9] Vents, Valves, and Connections
 [178.324-10] Protection of Fittings
 [178.324-11] Emergency Discharge Control
 [178.324-12] Shear Section
 [178.324-13] Anchoring of Tank

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178.324.1.4 [178.324-14] Gauging Devices
 178.324.1.5 [178.324-15] Pumps
 178.324.1.6 [178.324-16] Testing Requirements
 178.324.1.7 [178.324-17] Marking of Cargo Tanks
 178.324.1.8 [178.324-18] Certification
 178.325 Specification MC 304; Cargo Tanks Constructed of Mild (Open Hearth or Blue Annealed) Steel, Welded Ferrous Alloy (High-Tensile) Steel, or Aluminum, Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B, Having Reid (ASTM D-323) Vapor Pressures of 18 PSIA or More at 100° F., But Less Than Those Stated in 92 Ill. Adm. Code 173.300, In Defining Compressed Gases
 [178.325-1] General Requirements
 [178.325-2] Material
 [178.325-3] Thickness of Metal
 [178.325-4] Joints
 [178.325-5] Bulkheads, Baffles, and Ring Stiffeners
 [178.325-6] Closures for Manholes
 [178.325-7] Overturb Protection
 [178.325-8] Tank Outlets
 [178.325-9] Safety Relief Devices, Valves, and Connections
 178.325.1.0 [178.325-10] Protection of Fittings
 178.325.1.1 [178.325-11] Emergency Discharge Control
 178.325.1.2 [178.325-12] Shear Section
 178.325.1.3 [178.325-13] Anchoring of Cargo Tank
 178.325.1.4 [178.325-14] Gauging Devices
 178.325.1.5 [178.325-15] Pumps
 178.325.1.6 [178.325-16] Testing Requirements
 178.325.1.7 [178.325-17] Marking of Cargo Tanks
 178.325.1.8 [178.325-18] Certification
 178.326 Specification MC 305; Cargo Tanks Constructed of Aluminum Alloys for High-Strength Welded Construction, Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B
 [178.326-1] General Requirements
 [178.326-2] Material
 [178.326-3] Thickness of Sheets
 [178.326-4] Joints
 [178.326-5] Bulkheads, Baffles, and Ring Stiffeners
 [178.326-6] Closures for Manholes
 [178.326-7] Overturb Protection
 [178.326-8] Tank Outlets
 [178.326-9] Vents, Valves, and Connections
 [178.326-10] Protection of Fittings

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178.326.1.1 [178.326-11] Emergency Discharge Control
 178.326.1.2 [178.326-12] Shear Section
 178.326.1.3 [178.326-13] Anchoring of Cargo Tank
 178.326.1.4 [178.326-14] Gauging Devices
 178.326.1.5 [178.326-15] Pumps
 178.326.1.6 [178.326-16] Testing Requirements
 178.326.1.7 [178.326-17] Marking of Cargo Tanks
 178.326.1.8 [178.326-18] Certification
 178.330 Specification MC 310; Cargo Tanks Constructed of Ferrous Materials, Primarily For the Transportation of Corrosive Liquids
 [178.330-1] General Requirements
 [178.330-2] Material
 [178.330-3] Thickness of Metal
 [178.330-4] Joints
 [178.330-5] Bulkheads, Baffles, Ring Stiffeners, Tank Supports, and Compartmentation
 [178.330-6] Closures for Manholes
 [178.330-7] Overturb Protection
 [178.330-8] Outlets
 [178.330-9] Vents, Valves, and Connections
 [178.330-10] Protection of Fittings
 [178.330-11] Emergency Discharge Control
 [178.330-12] Shear Section
 [178.330-13] Anchoring of Tank
 [178.330-14] Gauging Devices
 [178.330-15] Pumps and Compressors
 [178.330-16] Testing Requirements
 [178.330-17] Marking of Cargo Tanks
 [178.330-18] Certification
 178.331 Specification MC 311; Cargo Tanks Constructed of Ferrous Metals or Aluminum, Primarily for the Transportation of Corrosive Liquids
 [178.331-1] General Requirements
 [178.331-2] Material
 [178.331-3] Thickness of Metal
 [178.331-4] Joints
 [178.331-5] Bulkheads, Baffles, Ring Stiffeners, Tank Supports, and Compartmentation
 [178.331-6] Closures for Manholes
 [178.331-7] Overturb Protection
 [178.331-8] Outlets
 [178.331-9] Vents, Valves, and Connections
 [178.331-10] Protection of Fittings
 [178.331-11] Emergency Discharge Control

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178.331.1.2 [178.331-12] Shear Section
178.331.1.3 [178.331-13] Anchoring of Tank
178.331.1.4 [178.331-14] Gauging Devices
178.331.1.5 [178.331-15] Pumps and Compressors
178.331.1.6 [178.331-16] Testing Requirements
178.331.1.7 [178.331-17] Marking of Cargo Tanks
178.331.1.8 [178.331-18] Certification
178.336 Specification MC 330; Cargo Tanks Constructed of Steel, Primarily For Transportation of Compressed Gases
[178.336-1] General Requirements
178.336.0.1 [178.336-2] Material
178.336.0.2 [178.336-3] Thickness of Metal
178.336.0.3 [178.336-4] Joints
178.336.0.4 [178.336-5] Bulkheads, Baffles, and Ring Stiffeners
178.336.0.5 [178.336-6] Closures for Manholes
178.336.0.6 [178.336-7] Overturn Protection
178.336.0.7 [178.336-8] Outlets
178.336.0.8 [178.336-9] Safety Relief Devices, Valves, and Connections
178.336.0.9 [178.336-10] Protection of Fittings
178.336.1.0 [178.336-11] Emergency Discharge Control
178.336.1.1 [178.336-12] Shear Section
178.336.1.2 [178.336-13] Anchoring of Tank
178.336.1.3 [178.336-14] Gauging Devices
178.336.1.4 [178.336-15] Pumps and Compressors
178.336.1.5 [178.336-16] Testing Requirements
178.336.1.6 [178.336-17] Marking of Cargo Tanks
178.336.1.7 [178.336-18] Certification
178.336.1.8 [178.336-19] Specification MC 331; Cargo Tanks Constructed of Steel, Primarily For Transportation of Compressed Gases, As Defined in the Compressed Gas Section (Repealed)
178.337 [178.337-1] General Requirements (Repealed)
178.337.0.1 [178.337-2] Material (Repealed)
178.337.0.2 [178.337-3] Thickness of Tank Metal (Repealed)
178.337.0.3 [178.337-4] Joints (Repealed)
178.337.0.4 [178.337-5] Bulkheads, Baffles, and Ring Stiffeners (Repealed)
178.337.0.5 [178.337-6] Closure for Manhole (Repealed)
178.337.0.6 [178.337-7] Overturn Protection (Repealed)
178.337.0.7 [178.337-8] Outlets (Repealed)
178.337.0.8 [178.337-9] Safety Relief Devices, Valves, and Connections (Repealed)
178.337.0.9 [178.337-10] Protection of Fittings (Repealed)
178.337.1.0 [178.337-11] Emergency Discharge Control (Repealed)
178.337.1.1 [178.337-12] Shear Section (Repealed)
178.337.1.2 [178.337-13] Supporting and Anchoring (Repealed)
178.337.1.3 [178.337-14] Gauging Devices (Repealed)
178.337.1.4 [178.337-15] Pumps and Compressors (Repealed)
178.337.1.5 [178.337-16] Testing (Repealed)
178.337.1.6 [178.337-17] Marking (Repealed)
178.337.1.7 [178.337-18] Certification (Repealed)
178.337.1.8 [178.337-19] General Design and Construction Requirements Applicable to Specifications MC 306 (Section 178.341), MC 307 (Section 178.342), and MC 312 (Section 178.343) Cargo Tanks (Repealed)
178.340 [178.340-1] Specification Requirements for MC 306, MC 307, and MC 312 Cargo Tanks (Repealed)
178.340.0.1 [178.340-2] General Requirements (Repealed)
178.340.0.2 [178.340-3] Material (Repealed)
178.340.0.3 [178.340-4] Structural Integrity (Repealed)
178.340.0.4 [178.340-5] Joints (Repealed)
178.340.0.5 [178.340-6] Supports and Anchoring (Repealed)
178.340.0.6 [178.340-7] Circumferential Reinforcements (Repealed)
178.340.0.7 [178.340-8] Accident Damage Protection (Repealed)
178.340.0.8 [178.340-9] Pumps (Repealed)
178.340.0.9 [178.340-10] Certification (Repealed)
178.341 [178.341-1] Specification MC 306; Cargo Tanks (Repealed)
178.341.0.1 [178.341-2] General Requirements (Repealed)
178.341.0.2 [178.341-3] Thickness of Shells, Heads, Bulkheads, and Baffles (Repealed)
178.341.0.3 [178.341-4] Closures for Fill Openings and Manholes (Repealed)
178.341.0.4 [178.341-5] Vents (Repealed)
178.341.0.5 [178.341-6] Emergency Flow Control (Repealed)
178.341.0.6 [178.341-7] Gauging Devices (Repealed)
178.341.0.7 [178.341-8] Method of Test (Repealed)
178.342 [178.342-1] Specification MC 307; Cargo Tanks (Repealed)
178.342.0.1 [178.342-2] General Requirements (Repealed)
178.342.0.2 [178.342-3] Thickness of Shell, Heads, Bulkheads, and Baffles (Repealed)
178.342.0.3 [178.342-4] Closures for Manholes (Repealed)
178.342.0.4 [178.342-5] Vents (Repealed)
178.342.0.5 [178.342-6] Outlets (Repealed)
178.342.0.6 [178.342-7] Gauging Devices (Repealed)
178.342.0.7 [178.342-8] Method of Test (Repealed)
178.343 [178.343-1] Specification MC 312; Cargo Tanks (Repealed)
178.343.0.1 [178.343-2] General Requirements (Repealed)
178.343.0.2 [178.343-3] Thickness of Shell, Heads, Bulkheads, and Baffles of Non-Asme Code Tanks (Repealed)

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178.337.1.2 [178.337-12] Shear Section (Repealed)
178.337.1.3 [178.337-13] Supporting and Anchoring (Repealed)
178.337.1.4 [178.337-14] Gauging Devices (Repealed)
178.337.1.5 [178.337-15] Pumps and Compressors (Repealed)
178.337.1.6 [178.337-16] Testing (Repealed)
178.337.1.7 [178.337-17] Marking (Repealed)
178.337.1.8 [178.337-18] Certification (Repealed)
178.340 General Design and Construction Requirements Applicable to Specifications MC 306 (Section 178.341), MC 307 (Section 178.342), and MC 312 (Section 178.343) Cargo Tanks (Repealed)
178.340.0.1 [178.340-1] Specification Requirements for MC 306, MC 307, and MC 312 Cargo Tanks (Repealed)
178.340.0.2 [178.340-2] General Requirements (Repealed)
178.340.0.3 [178.340-3] Material (Repealed)
178.340.0.4 [178.340-4] Structural Integrity (Repealed)
178.340.0.5 [178.340-5] Joints (Repealed)
178.340.0.6 [178.340-6] Supports and Anchoring (Repealed)
178.340.0.7 [178.340-7] Circumferential Reinforcements (Repealed)
178.340.0.8 [178.340-8] Accident Damage Protection (Repealed)
178.340.0.9 [178.340-9] Pumps (Repealed)
178.340.1.0 [178.340-10] Certification (Repealed)
178.341 [178.341-1] Specification MC 306; Cargo Tanks (Repealed)
178.341.0.1 [178.341-2] General Requirements (Repealed)
178.341.0.2 [178.341-3] Thickness of Shells, Heads, Bulkheads, and Baffles (Repealed)
178.341.0.3 [178.341-4] Closures for Fill Openings and Manholes (Repealed)
178.341.0.4 [178.341-5] Vents (Repealed)
178.341.0.5 [178.341-6] Emergency Flow Control (Repealed)
178.341.0.6 [178.341-7] Gauging Devices (Repealed)
178.341.0.7 [178.341-8] Method of Test (Repealed)
178.342 [178.342-1] Specification MC 307; Cargo Tanks (Repealed)
178.342.0.1 [178.342-2] General Requirements (Repealed)
178.342.0.2 [178.342-3] Thickness of Shell, Heads, Bulkheads, and Baffles (Repealed)
178.342.0.3 [178.342-4] Closures for Manholes (Repealed)
178.342.0.4 [178.342-5] Vents (Repealed)
178.342.0.5 [178.342-6] Outlets (Repealed)
178.342.0.6 [178.342-7] Gauging Devices (Repealed)
178.342.0.7 [178.342-8] Method of Test (Repealed)
178.343 [178.343-1] Specification MC 312; Cargo Tanks (Repealed)
178.343.0.1 [178.343-2] General Requirements (Repealed)
178.343.0.2 [178.343-3] Thickness of Shell, Heads, Bulkheads, and Baffles of Non-Asme Code Tanks (Repealed)

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- 178.343.0.3 [178.343-3] Closures for Manholes (Repealed)
 178.343.0.4 [178.343-4] Vents (Repealed)
 178.343.0.5 [178.343-5] Outlets (Repealed)
 178.343.0.6 [178.343-6] Gauging Devices (Repealed)
 178.343.0.7 [178.343-7] Method of Test (Repealed)
 178.350 Specification 7A; General Packaging, Type A (Repealed)
 178.350.0.1 [178.350-1] General Requirements (Repealed)
 178.350.0.2 [178.350-2] Specific Requirements (Repealed)
 178.350.0.3 [178.350-3] Marking (Repealed)
 178.1000 General
 178.2000 Incorporation by Reference of 49 CFR 178

APPENDIX C

APPENDIX D

TABLE A
 Minimum Thickness of Heads, Bulkheads, and Baffles (Repealed)

TABLE B
 Minimum Thickness of Shell Sheets (Repealed)

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 700-4(a) and 700-9(a)).

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 5 Ill. Reg. 1715, effective February 9, 1981; amended at 6 Ill. Reg. 10036, effective August 2, 1982; amended at 8 Ill. Reg. 19640, effective October 1, 1984; codified at 8 Ill. Reg. 20047; amended at 8 Ill. Reg. 20064, effective October 1, 1984; amended at 10 Ill. Reg. 5897, effective April 1, 1986; amended at 10 Ill. Reg. 20770, effective December 1, 1986; amended at 11 Ill. Reg. 4786, effective March 10, 1987; amended at 11 Ill. Reg. 17904, effective October 20, 1987; amended at 12 Ill. Reg. 8093, effective April 26, 1988; amended at 13 Ill. Reg. 4004, effective March 14, 1989; amended at 14 Ill. Reg. 2640, effective February 1, 1990.

AGENCY NOTE: In reading this Part it is necessary to read Sections 178.1000 and 179.2000 prior to reading the remaining sections in numerical order.

Section 178.2000 Incorporation By Reference of 49 CFR 178

- a) As Part 178 of the Illinois Hazardous Materials Transportation Regulations the Department incorporates 49 CFR 178 by reference, as that part of the federal hazardous materials transportation regulations was in effect on November 17-1988 September 1, 1989, subject

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only to the exceptions in ~~paragraph~~ subsection (b) of this Section. No later amendments to or editions of 49 CFR 178 are incorporated.

- b) The following interpretations of, additions to and deletions from the 49 CFR 178 shall apply for purposes of this Part 178 of the Illinois Hazardous Materials Transportation Regulations.

- 1) All references to "this part" in the incorporated federal regulations shall mean Part 178 of the Illinois Hazardous Materials Transportation Regulations.
- 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean Subchapter C of Chapter 1 of Title 92 of the Illinois Administrative Code 92 Ill. Adm. Code: Chapter 1, Subchapter C.
- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to Parts 174, 175 or 176, or to sections therein shall be read to refer to those Parts or sections in the federal hazardous materials transportation regulations.

(Source: Amended at 14 Ill. Reg. 2640, effective Feb. 1, 1990)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Shippers General Requirements for Shipments & Packagings
- 2) Code Citation: 92 Ill. Adm. Code 173
- 3) Section Numbers: 173.3000
Adopted Action: Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 95 1/2 pars. 700-4(a) and 700-9(a)
- 5) Effective date of rules: February 1, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes. These conform to Section 6.02(a) of the Illinois Administrative Procedure Act.
- 8) Date filed in agency's principal office: January 30, 1990
- 9) Notice of proposal published in Illinois Register: October 20, 1989, 13 Ill. Reg. 16393
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:
The following change was made in agreement with the Code Division:
The Department replaced the word "paragraph" with the word "subsection" in Section 173.3000(a), line 6.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? No changes were necessary.
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rules:
By this Notice of Adopted Amendments, the Department deletes the date of incorporation by reference of 49 CFR

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173 as of November 1, 1988, and inserts in its place the date of September 1, 1989.

A review of the federal regulations adopted since November 1, 1988, to the date of incorporation by reference, indicates that there are certain changes made by US DOT not reflected in the Department's regulations. This rulemaking does have the effect of making limited substantive changes in the Department's regulations to bring Part 173 in line with the federal regulations. The following is a summary of the changes in US DOT regulations which are included in this adopted rulemaking.

By adopting this rulemaking, the Department's regulations will incorporate changes made to part 173 by US DOT in rulemaking Dockets:

HM-201B [54 FR 8336 (February 28, 1989)]
HM-149F [54 FR 14813 (April 13, 1989)]
HM-183B [54 FR 18820 (May 2, 1989)]
HM 183 [54 FR 24982 (June 12, 1989)]
HM-126C [54 FR 27138 (June 27, 1989)]
HM-166V [54 FR 35651 (August 29, 1989)]
HM-201B [54 FR 35878 (August 30, 1989)]

Docket HM-201B amended the regulations to permit the use of railroad tank car tanks with tank shell thickness in localized areas less than the minimum specified in the regulations, and require the measurement of tank car tank thickness under certain conditions. Section 173.31(a)(11) (iv) requires that the total cumulative surface perimeter of the reductions in shell thickness on each tank car tank does not exceed six feet. Section 173.31(f) requires that shell thickness measurements be performed when there is a possible reduction in tank thickness due to any repairs, alterations or conversions of a tank car.

Docket HM-149F amended the regulations to permit the transportation by passenger-carrying aircraft for specified quantities of radioactive materials. Sections 173.4, 173.421-1, and 173.421-2 removed the year "1989" and added in its place the year 1991.

Docket HM-183B revised the regulations to provide a period of 36 months to allow rear bumpers or rear-end tank protection devices to be installed on cargo tank trucks (commonly called bob-tails), which are operated in combination with cargo tank full trailers. Section 173.33(a)(2) added

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qualification allowing the operation of a cargo tank truck, without a rear bumper, to be transported to a repair or maintenance facility.

Docket HM-183 amended the regulations by revising the requirements for the manufacture of cargo tanks and the operation, maintenance, repair and requalification of all specification cargo tanks. Part 173 revised the regulations for certain commodities by amending and clarifying the rules for offering or accepting hazardous materials for transportation in a cargo tank motor vehicle.

Docket HM-126C amended the regulations to provide new requirements for emergency response information on shipping papers and placement of emergency response information on vehicles and at transportation facilities. Section 173.12 added a new paragraph to allow the use of waste stream numbers instead of the required technical name description for hazardous waste packaged in lab packs.

Docket HM-166V amended the regulations by revising the requirements for transporting Uranium Hexafluoride. Section 173.420 is being revised to permit the transport of Uranium Hexafluoride in certain packagings that do not meet the requirements of the American National Standard or the specification for Class DOT - 106A multi-unit tank car tanks as required by the regulations.

Docket HM-201B amended the regulations to further extend the effective date of the February 28, 1989, final rule which permitted the use of railroad tank car tanks with tank shell thickness in localized areas less than the minimum specified in the regulations.

- 16) Information and questions regarding these adopted rules shall be directed to:

Tom Crawford, Chief
Regulations & Training Unit
Department of Transportation
Division of Traffic Safety
2300 South Dirksen Parkway
Springfield, Illinois 62764
(217) 785-3064

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 173

SHIPPERS GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

Section
173.2000 General
173.3000 Incorporation by Reference of 49 CFR 173

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 700-4(a) and 700-9(a)).

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 4 Ill. Reg. 30, p. 1244, effective July 10, 1980; amended at 5 Ill. Reg. 1715, effective February 9, 1981; amended at 6 Ill. Reg. 4287, effective April 16, 1982; amended at 6 Ill. Reg. 10036, effective August 2, 1982; amended at 7 Ill. Reg. 3486, effective April 12, 1983; codified at 8 Ill. Reg. 20015; Part repealed, new Part adopted at 10 Ill. Reg. 5885, effective April 1, 1986; amended at 10 Ill. Reg. 20764, effective December 1, 1986; amended at 11 Ill. Reg. 4781, effective March 10, 1987; amended at 11 Ill. Reg. 17898, effective October 20, 1987; amended at 12 Ill. Reg. 8089, effective April 26, 1988; amended at 13 Ill. Reg. 3998, effective March 14, 1989; amended at 14 Ill. Reg. 2651, effective February 1, 1990

Section 173.3000 Incorporation by Reference of 49 CFR 173

- a) As Part 173 of the Illinois Hazardous Materials Transportation Regulations the Department incorporates 49 CFR 173 by reference, as that Part of the federal hazardous materials transportation regulations was in effect on November 17, 1988 September 1, 1989, subject only to the exceptions in paragraph subsection (b) of this Section. No later amendments to or editions of 49 CFR 173 are incorporated.

- b) The following interpretations of, additions to and deletions from 49 CFR 173 shall apply for purposes of this Part 173 of the Illinois Hazardous Materials Transportation Regulations.

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- 1) All references to "this part" in the incorporated federal regulations shall mean Part 173 of the Illinois Hazardous Materials Transportation Regulations.
- 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean Subchapter C of Chapter 1 of Title 92 of the Illinois Administrative Code 92 Ill. Adm. Code: Chapter I, Subchapter C.
- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to Parts 174, 175 or 176, or to sections therein shall be read to refer to those Parts or sections in the federal hazardous materials transportation regulations.
- 5) All references to shipment of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
- 6) Section 173.5 in 49 CFR is deleted and not incorporated.
- 7) Section 173.24(c)(1)(vi) is added to the Illinois Hazardous Materials Transportation Regulations and reads as follows:

The markings in this section are not required for a surface moisture/density gauge transported as Radioactive Material, Special Form, N.O.S., when accompanied by a shipping paper which contains (or is accompanied by) a signed statement or certification from the manufacturer of the gauge attesting that the gauge construction complies with all package specifications set forth in Sections 173.415 and 173.416, except those that pertain to marking.
- 8) Section 173.119(n) is added to the Illinois Hazardous Materials Transportation Regulations and reads as follows:

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The specifications in this Section do not apply to gasoline being transported in a packaging having a rated capacity of 110 gallons or less if the shipment is in compliance with the rules of the Office of the State Fire Marshal, 41 Ill. Adm. Code 170.15(c). In addition, these shipments are not subject to Subchapter C of these regulations except for those Sections referenced in 41 Ill. Adm. Code 170.15(c).

- 9) Section 173.315(a)(1) Note 17 is deleted from the federal regulations and a new Section 173.315(a)(1) Note 17 is added to the Illinois regulations to read as follows:

Specifications MC 330 and MC 331 cargo tanks, with a design service pressure of 250 p.s.i.g., built in compliance with the Federal ICC or Federal DOT regulations at the time of manufacture, which meet all other design and testing requirements specified by Section 177.824 for cargo tanks in anhydrous ammonia service, and which have been in anhydrous ammonia service in Illinois before February 1, 1979, may continue to be used in such service. No cargo tank that has not been in anhydrous ammonia service in Illinois before February 1, 1979, may be placed in such service in Illinois after that date unless it meets all requirements of the specification, including a minimum design service pressure of 265 p.s.i.g.
- 10) Section 173.315(k) in 49 CFR is deleted and not incorporated.
- 11) Any changes to 49 CFR 173 made effective by U.S. DOT Rulemaking Docket HM-187 [49 FR 21933 (May 24, 1984)] covering small arms ammunition are not incorporated.

(Source: Amended at 14 Ill. Reg. 2651, effective Feb. 1, 1990)

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1) The Heading of the Part: DRUG MANUAL2) Code Citation: 89 Ill. Adm. Code 1413) Section Numbers: Emergency Action:

141.100 Amendment
 141.200 Amendment
 141.280 Amendment
 141.560 Amendment
 141.800 Amendment
 141.1000 Amendment
 141.1320 Amendment
 141.1880 Amendment
 141.3440 Amendment
 141.3480 Amendment
 141.3880 Amendment
 141.4360 Amendment
 141.4640 Amendment

4) Statutory Authority: Sections 5-5.16 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, pars. 5-5.16 and 12-13) and Section 5.02 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, Ch. 127, Par. 1005.02)5) Effective Date of Emergency Amendments: February 2, 19906) If these Emergency amendments is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable7) Date Filed in Agency's Principal Office: February 2, 19908) Reason for Emergency: The reason for the emergency is pursuant to Section 5-5.16 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Par. 5-5.16) and 5.02 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, Ch. 127, Par. 1005.02) this rulemaking adds and deletes certain drugs from the Department's Drug Manual.9) A Complete Description of the Subjects and Issues Involved: With this rulemaking the Department makes several additions and deletions to various therapeutic categories of the Drug Manual.10) Are there any Proposed Amendments pending to this Part? Yes. In addition to the following proposed amendments

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pending on the Part, there are still emergency amendments in effect on Sections 141.100, 141.560, 141.800, 141.1000, 141.1320, 141.4360 and 141.4640 which are not affected by this set of amendments. The emergency amendments appear at 13 Ill. Reg. 17940, effective November 1, 1989, for a maximum of 150 days. The copies filed in the Administrative Code Division reflect both the emergency amendments and these amendments.

Section Numbers	Proposed Action	Illinois Register Citation
141.10	Amendment	December 29, 1989 (13 Ill. Reg. 20288)
141.100	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.560	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.640	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.720	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.800	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.1000	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.1125	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.1200	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.1280	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.1320	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.1520	Amendment	November 17, 1989 (13 Ill. Reg. 17665)

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<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
141.2400	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.2600	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.3120	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.3560	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.3800	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.3840	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.3920	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.4040	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.4200	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.4240	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.4360	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.4640	Amendment	November 17, 1989 (13 Ill. Reg. 17665)
141.4760	Amendment	November 17, 1989 (13 Ill. Reg. 17665)

11) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

12) Information and questions regarding these Emergency Amendments shall be directed to:

DEPARTMENT OF PUBLIC AID

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Name: Anita Williams, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris II Building
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Emergency Amendments begins on the next page:

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMSPART 141
DRUG MANUAL

Section	
141.10	DRUG MANUAL
141.100	AGENCY NOTES
<u>EMERGENCY</u>	
141.200	ANALGESICS/NARCOTIC ANTAGONISTS: ANTIRHEUMATIC
<u>EMERGENCY</u>	
141.240	ANALGESICS/NARCOTIC ANTAGONISTS: GOUT
141.280	ANALGESICS/NARCOTIC ANTAGONISTS: MIGRAINE
<u>EMERGENCY</u>	
141.320	ANALGESICS/NARCOTIC ANTAGONISTS: NARCOTIC ANTAGONISTS
141.360	ANALGESICS/NARCOTIC ANTAGONISTS: NONOPIATE AGONISTS
141.400	ANALGESICS/NARCOTIC ANTAGONISTS: OPIATE AGONISTS
141.440	ANTI-ALCOHOL
141.480	ANTICONVULSANTS
141.520	ANTIDOTES
141.560	ANTIHYPERTENSIVES
<u>EMERGENCY</u>	
141.600	ANTIMICROBIAL: AMINOGLYCOSIDES
141.640	ANTIMICROBIAL: ANTIFUNGALS
141.680	ANTIMICROBIAL: ANTITUBERCULARS
141.720	ANTIMICROBIAL: CEPHALOSPORINS
141.760	ANTIMICROBIAL: ERYTHROMYCINS
141.800	ANTIMICROBIAL: MISCELLANEOUS
<u>EMERGENCY</u>	
141.840	ANTIMICROBIAL: NITROFURANTOINS
141.880	ANTIMICROBIAL: PENICILLINS
141.920	ANTIMICROBIAL: SULFONAMIDES
141.960	ANTIMICROBIAL: TETRACYCLINES
141.1000	ANTIMICROBIAL: VACCINES
<u>EMERGENCY</u>	
141.1040	BLOOD: ANTIANEMIA
141.1080	BLOOD: ANTICOAGULANT
141.1120	BLOOD: HEMOSTATIC
141.1125	BLOOD: MISCELLANEOUS
141.1160	CALCIUM
141.1200	CARDIOVASCULAR: ANTIANGINAL
141.1240	CARDIOVASCULAR: ANTIARRHYTHMIC
141.1280	CARDIOVASCULAR: ANTIHYPERLIPIDEMICS
141.1320	CARDIOVASCULAR: BETA BLOCKERS
<u>EMERGENCY</u>	
141.1360	CARDIOVASCULAR: DIGITALIS GLYCOSIDES

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Section	
141.1400	CARDIOVASCULAR: HYPOTENSION/SHOCK
141.1440	CARDIOVASCULAR: VASODILATOR (Repealed)
141.1480	CONTRACEPTIVE: NONORAL
141.1500	DIAPER RASH PRODUCTS
141.1520	DIURETICS
141.1320	CARDIOVASCULAR: BETA BLOCKERS
141.1360	CARDIOVASCULAR: DIGITALIS GLYCOSIDES
141.1400	CARDIOVASCULAR: HYPOTENSION/SHOCK
141.1440	CARDIOVASCULAR: VASODILATOR (Repealed)
141.1480	CONTRACEPTIVE: NONORAL
141.1500	DIAPER RASH PRODUCTS
141.1520	DIURETICS
141.1560	DOPAMINE RECEPTOR AGONISTS
141.1600	ENZYMES
141.1640	EYE/EAR/NOSE/THROAT: ANTIBIOTICS
141.1680	EYE/EAR/NOSE/THROAT: ANTI-INFLAMMATORY
141.1720	EYE/EAR/NOSE/THROAT: ANTIVIRALS
141.1760	EYE/EAR/NOSE/THROAT: ANTIBIOTIC/ANTI-INFLAMMATORY
141.1800	EYE/EAR/NOSE/THROAT: LOCAL ANESTHETICS
141.1840	EYE/EAR/NOSE/THROAT: LUBRICANTS
141.1880	EYE/EAR/NOSE/THROAT: MIOTICS/GLAUCOMA
<u>EMERGENCY</u>	
141.1920	EYE/EAR/NOSE/THROAT: MISCELLANEOUS
141.1960	EYE/EAR/NOSE/THROAT: MISCELLANEOUS ANTI-INFECTIVES
141.2000	EYE/EAR/NOSE/THROAT: MYDRIATICS
141.2040	EYE/EAR/NOSE/THROAT: SULFONAMIDES
141.2080	EYE/EAR/NOSE/THROAT: SULFONAMIDE/ANTI-INFLAMMATORY
141.2120	EYE/EAR/NOSE/THROAT: TOPICAL DECONGESTANTS
141.2160	GASTROINTESTINAL: ANTACID/ADSORBENTS
141.2200	GASTROINTESTINAL: ANTIDIARRHEA
141.2240	GASTROINTESTINAL: ANTISPASMODICS
141.2280	GASTROINTESTINAL: DIGESTANTS
141.2320	GASTROINTESTINAL: EMETICS/ANTIEMETICS
141.2360	GASTROINTESTINAL: LAXATIVES
141.2400	GASTROINTESTINAL: MISCELLANEOUS
141.2440	GLUCOSE ELEVATORS
141.2480	HOMEOSTATIC/NUTRITIONAL: ACIDIFIERS
141.2520	HOMEOSTATIC/NUTRITIONAL: ALKALINIZERS
141.2560	HOMEOSTATIC/NUTRITIONAL: AMMONIA DETOXICANTS
141.2600	HOMEOSTATIC/NUTRITIONAL: INSULIN
141.2640	HOMEOSTATIC/NUTRITIONAL: IV FLUIDS
141.2680	HOMEOSTATIC/NUTRITIONAL: ORAL HYPOLYCEMICS
141.2720	HOMEOSTATIC/NUTRITIONAL: VITAMINS
141.2760	HORMONES/AGENTS AFFECTING MECHANISMS: ADRENAL
	CORTICAL STEROIDS
141.2800	HORMONES/AGENTS AFFECTING MECHANISMS: ANABOLIC HORMONES

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NOTICE OF EMERGENCY AMENDMENTS

2, 1988, for a maximum of 150 days; amended at 13 Ill. Reg. 516, effective December 28, 1988; amended at 13 Ill. Reg. 3850, effective March 17, 1989; emergency amendment at 13 Ill. Reg. 8036, effective May 15, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 10700, effective June 15, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15672, effective September 22, 1989; amended at 13 Ill. Reg. 16982, effective October 20, 1989; emergency amendment at 13 Ill. Reg. 17940, effective November 1, 1989, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 2657, effective February 2, 1990, for a maximum of 150 days.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

AGENCY NOTE: The text of Sections 141.100, 141.560, 141.800, 141.1000, 141.1320, 141.4360 and 141.4640 which appear below do not include the emergency amendments adopted at 13 Ill. Reg. 17940, effective November 1, 1989, for a maximum of 150 days. The copies filed with the Administrative Code Division reflect both emergency rules.

SECTION 141.100 AGENCY NOTES

EMERGENCY

a) 1) Group Care and Basic Health Restricted - The drug is available to all recipient categories except recipients with basic health coverage (i.e., The recipients of general assistance, or Aid To The Medically Indigent) and individuals residing in a nursing home.

2) The nursing home must provide the following listed drugs to resident recipients at no charge to the recipient:

ACETAMINOPHEN DROPS 80MG/0.8ML
ACETAMINOPHEN DROPS 120MG/2.5ML
ACETAMINOPHEN ELIXIR/SYRUP 120MG/5ML
ACETAMINOPHEN TAB/CAP 325MG
ACETAMINOPHEN TAB/CAP 500MG
ACETAMINOPHEN TAB/CAP 650MG
ACETAMINOPHEN TABLET CHEWABLE 80MG
ACETAMINOPHEN TABLET CHEWABLE 120MG
ASPIRIN TAB BUFFERED 325MG
ASPIRIN TAB BUFFERED 600MG
ASPIRIN TAB EC 300MG
ASPIRIN TAB EC 600MG
ASPIRIN TAB PEDIATRIC

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SECTION 141.100

EMERGENCY

AGENCY NOTES (Cont'd.)

ASPIRIN TAB 300MG
ASPIRIN TAB 600MG
GLUCOLA LIQUID
MILK OF MAGNESIA LIQUID
MILD OF MAGNESIA TABLET
ZINC OXIDE OINTMENT

b) No restrictions - The drug is available to all recipient categories including nursing home residents and recipients of basic health coverage.

c) 1) Group care restricted - The drug is available to all recipients (including basic health recipients) except recipients residing in nursing homes.

2) The nursing home must provide the following listed items to resident recipients at no charge to the recipient:

ACETEST REAGENT TABLETS

ALBUSTIX STRIPS
CHEMSTRIP BG STRIPS
CHEMSTRIP GP
CHEMSTRIP K PAPERS
CHEMSTRIP TEST KIT
CHEMSTRIP UG STRIPS
CHEMSTRIP UGK STRIPS
CHEMSTRIP 5
CLINISTIX STRIP
CLINITEST (2 DROP)
CLINITEST ANALYSIS SET
CLINITEST ANALYSIS SET (2 DROP)
CLINITEST TABLET
CLINITEST TABLET FOIL
COMBISTIX
DEXTOSTIX REAGENT STRIPS
DEXTOSTIX REAGENT STRIPS FOIL
DIASCAN DUAL PAD STRIPS
DIASTIX STRIPS
GLUCOSCAN TEST STRIPS
GLUCOSTIX STRIPS
HEMA-COMBISTIX
HEMASTIX STRIPS
HEMATEST TABLET

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SECTION 141.100
EMERGENCY

AGENCY NOTES (Cont'd.)

- KETO-DIASTIX
KETO-DIASTIX 5
KETOSTIX STRIPS
LABSTIX
LANCET FOR DIABETIC USE, STERILE
N-URISTIX
ONE TOUCH TEST STRIPS
TES-TAPE
TRENDSTRIPS
URISTIX
- VISIDEX II REAGENT STRIPS
ANY PRODUCT EQUIVALENT TO THOSE ON THE ABOVE
LIST OR ANY OTHER NONLISTED DIABETIC TESTING
SUPPLY
- d) Group care limited - The drug is available only to recipients residing in nursing homes.
- e) Basic health restricted - If no sign appears next to the drug, it is available to all categories of recipients except those receiving only basic health coverage.
- f) The drugs referenced in subsection (a) above are identified in the Drug Manual by a single asterisk immediately before the item number. The drugs referenced in subsection (b) above are identified in the Drug Manual by a double asterisk immediately before the item number. The drugs referenced in subsection (c) above are identified in the Drug Manual by a triple asterisk immediately before the item number. The drugs referenced in subsection (d) above are identified in the Drug Manual by the letter "G" immediately before the item number.

(Source: Emergency amendment at 14 Ill. Reg. 2657, effective February 2, 1990, for a maximum of 150 days)

SECTION 141.200 ANALGESICS/NARCOTIC ANTAGONISTS:
EMERGENCY ANTIRHEUMATIC

Item Number	Drug Name and Strength
** 50002091	DICLOFENAC SODIUM TABLET 25MG
** 50002093	DICLOFENAC SODIUM TABLET 50MG

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SECTION 141.200 ANALGESICS/NARCOTIC ANTAGONISTS:
EMERGENCY ANTIRHEUMATIC (Cont'd)

** 50002095	DICLOFENAC SODIUM TABLET 75MG
** 50006495	DIFLUNISAL TABLET 250MG
** 50006496	DIFLUNISAL TABLET 500MG
** 50001730	FENOPROFEN CAPSULE 200MG
** 50001731	FENOPROFEN CAPSULE 300MG
** 50001732	FENOPROFEN TABLET 600MG
** 50004800	FLURBIPROFEN TABLET 50MG
** 50004802	FLURBIPROFEN TABLET 100MG
** 50002557	IBUPROFEN SUSPENSION 100MG/5ML 120ML
** 50002559	IBUPROFEN SUSPENSION 100MG/5ML 480ML
** 50000590	IBUPROFEN TABLET 300MG
** 50000592	IBUPROFEN TABLET 400MG
** 50000594	IBUPROFEN TABLET 600MG
** 50000597	IBUPROFEN TABLET 800MG
** 50000610	INDOMETHACIN CAPSULE 25MG
** 50000612	INDOMETHACIN CAPSULE 50MG
** 50001733	INDOMETHACIN CAPSULE 75MG SUSTAINED RELEASE
** 50001711	INDOMETHACIN INJECTION 3MG VIAL
** 50000608	INDOMETHACIN SUPPOSITORY 50MG
** 50000617	INDOMETHACIN SUSPENSION 25MG/5ML
** 50004963	KETOPROFEN CAPSULE 25MG
** 50004967	KETOPROFEN CAPSULE 50MG
** 50004969	KETOPROFEN CAPSULE 75MG
** 50004971	KETOPROFEN TABLET 75MG
** 50001734	MECLOFENAMATE SODIUM CAPSULE 50MG
** 50001735	MECLOFENAMATE SODIUM CAPSULE 100MG
** 50001736	MEFENAMIC ACID CAPSULE 250MG
** 50005696	METHOTREXATE TABLET 2.5MG DOSEPACK
00067763	MYOCHRYSINE INJECTION 10MG/ML 1ML AMP
00068762	MYOCHRYSINE INJECTION 25MG/ML 1ML AMP
00067762	MYOCHRYSINE INJECTION 50MG/ML 1ML AMP
** 50001740	MYOCHRYSINE INJECTION 50MG/ML 10ML VIAL
** 50001747	NAPROXEN SODIUM TABLET 275MG
** 50001737	NAPROXEN SODIUM TABLET 550MG
** 50001738	NAPROXEN TABLET 250MG
** 50001739	NAPROXEN TABLET 375MG
** 50001739	NAPROXEN TABLET 500MG
** 60008050	NONSTEROIDAL ANTI-INFLAMMATORY-ORAL-NOT OTHERWISE LISTED-IF LAW REQUIRES RX
00315816	PABALATE TABLET 100's
** 50001741	PIROXICAM CAPSULE 10MG
** 50001742	PIROXICAM CAPSULE 20MG
** 00074879	RIDAURA CAPSULE 3MG
00850460	SOLGANOL INJECTION IN OIL 50MG/ML 10ML VIAL
** 50001743	SULINDAC TABLET 150MG

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

SECTION 141.200 ANALGESICS/NARCOTIC ANTAGONISTS:
EMERGENCY ANTIRHEUMATIC (Cont'd.)

** 50001744 ULINDAC TABLET 200MG
** 50001746 TOLMETIN SODIUM CAPSULE 400MG
** 50001745 TOLMETIN SODIUM TABLET 200MG
** 50001748 TOLMETIN SODIUM TABLET 600MG
(Source: Emergency amendment at 14 Ill. Reg. 2657,
effective February 2, 1990, for a maximum of 150 days)

SECTION 141.280 ANALGESICS/NARCOTIC ANTAGONISTS: MIGRAINE
EMERGENCY

Item Number	Drug Name and Strength
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00430031	B55BERGAB-S
00430032	B55BERGAB-TAB
50003016	ERGOTAMINE TARTRATE INHALATION 2.5ML VIAL
50003010	ERGOTAMINE TARTRATE INJ 0.5MG/ML AMP
50003014	ERGOTAMINE TARTRATE SUBLINGUAL TAB 2MG
50003012	ERGOTAMINE TARTRATE TAB 1.0MG
50003000	ERGOTAMINE TARTRATE/CAFFEINE SUPPOSITORY 2/100MG
50003002	ERGOTAMINE TARTRATE/CAFFEINE TAB/CAP 1/100MG

(Source: Emergency amendment at 14 Ill. Reg. 2657,
effective February 2, 1990, for a maximum of 150 days)

SECTION 141.560 ANTIHYPERTENSIVES

EMERGENCY

Item Number	Drug Name and Strength
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** 00030450	CAPOTEN TABLET 12.5MG
** 00030452	CAPOTEN TABLET 25MG
** 00030562	CAPOTEN TABLET 50MG
** 00030485	CAPOTEN TABLET 100MG
** 00030338	CAPOZIDE TABLET 25/15
** 00030349	CAPOZIDE TABLET 25/25
** 00030384	CAPOZIDE TABLET 50/15
** 00030390	CAPOZIDE TABLET 50/25
** 05970031	CATAPRES-TTS-1 PATCHES
** 05970032	CATAPRES-TTS-2 PATCHES
** 05970033	CATAPRES-TTS-3 PATCHES
** 50000941	CLONIDINE HCL TABLET 0.1MG
** 50000943	CLONIDINE HCL TABLET 0.2MG

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NOTICE OF EMERGENCY AMENDMENTS

SECTION 141.560 ANTIHYPERTENSIVES (Cont'd.)
EMERGENCY

** 50000945	CLONIDINE HCL TABLET 0.3MG
** 00030283	CORZIDE TABLET 40MG; 5MG
** 00030284	CORZIDE TABLET 80MG; 5MG
** 00830047	ESMIL TABLET
** 50001614	GUANETHIDINE MONOSULFATE TABLET 10MG
** 50001616	GUANETHIDINE MONOSULFATE TABLET 25MG
** 50005686	HYDRALAZINE HCL INJECTION 20MG/ML AMP
** 50003074	HYDRALAZINE HCL TABLET 10MG
** 50003076	HYDRALAZINE HCL TABLET 25MG
** 50003078	HYDRALAZINE HCL TABLET 50MG
** 50003080	HYDRALAZINE HCL TABLET 100MG
** 50003066	HYDRALAZINE HCL 25MG; HYDROCHLOROTHIAZIDE 15MG TABLET
** 50003068	HYDRALAZINE HCL 25MG; HYDROCHLOROTHIAZIDE 25MG CAPSULE
** 50003070	HYDRALAZINE HCL 50MG; HYDROCHLOROTHIAZIDE 50MG CAPSULE
** 50003072	HYDRALAZINE HCL 100MG; HYDROCHLOROTHIAZIDE 50MG CAPSULE
** 50002981	HYDROCHLOROTHIAZIDE 15MG; METHYLDOPA 250MG TABLET
** 50002341	HYDROCHLOROTHIAZIDE 25MG; LABETALOL HCL 100MG TABLET
** 50002343	HYDROCHLOROTHIAZIDE 25MG; LABETALOL HCL 200MG TABLET
** 50002345	HYDROCHLOROTHIAZIDE 25MG; LABETALOL HCL 300MG TABLET
** 50002983	HYDROCHLOROTHIAZIDE 25MG; METHYLDOPA 250MG TABLET
** 50002403	HYDROCHLOROTHIAZIDE 25MG; METOPROLOL TARTRATE 50MG TABLET
** 50002405	HYDROCHLOROTHIAZIDE 25MG; METOPROLOL TARTRATE 100MG TABLET
** 50005520	HYDROCHLOROTHIAZIDE 25MG; PROPRANOLOL HCL 40MG TABLET
** 50005522	HYDROCHLOROTHIAZIDE 25MG; PROPRANOLOL HCL 80MG TABLET
** 50003090	HYDROCHLOROTHIAZIDE 25MG; RESERPINE 0.1MG TABLET
** 50003094	HYDROCHLOROTHIAZIDE 25MG; RESERPINE 0.125MG TABLET
** 50002985	HYDROCHLOROTHIAZIDE 30MG; METHYLDOPA 500MG TABLET
** 50002987	HYDROCHLOROTHIAZIDE 50MG; METHYLDOPA 500MG TABLET
** 50002407	HYDROCHLOROTHIAZIDE 50MG; METOPROLOL TARTRATE 100MG TABLET
** 50004021	HYDROCHLOROTHIAZIDE 50MG; PROPRANOLOL HCL 80MG LA CAPSULE
** 50004023	HYDROCHLOROTHIAZIDE 50MG; PROPRANOLOL HCL 120MG LA CAPSULE

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NOTICE OF EMERGENCY AMENDMENTS

SECTION 141.560
EMERGENCY

ANTIHYPERTENSIVES (Cont'd.)

Item Number	Drug Name and Strength
** 50004025	HYDROCHLOROTHIAZIDE 50MG; PROPRANOLOL HCL 160MG LA CAPSULE
** 50003092	HYDROCHLOROTHIAZIDE 50MG; RESERPINE 0.1MG TABLET
** 50003096	HYDROCHLOROTHIAZIDE 50MG; RESERPINE 0.125MG TABLET
** 00180787	HYLOREL TABLET 10MG
** 00180788	HYLOREL TABLET 25MG
** 00743322	HYTRIN TABLET 1MG
** 00743323	HYTRIN TABLET 2MG
** 00743324	HYTRIN TABLET 5MG
** 00743325	HYTRIN TABLET 10MG
** 50001825	LISINOPRIL TABLET 5MG
** 50001827	LISINOPRIL TABLET 10MG
** 50001829	LISINOPRIL TABLET 20MG
** 50001831	LISINOPRIL TABLET 40MG
** 00750082	LOZOL TABLET 2.5MG
** 50000712	METHYLDOPA ORAL SUSPENSION 250MG/5ML
** 50000714	METHYLDOPA TABLET 125MG
** 50000716	METHYLDOPA TABLET 250MG
** 50000718	METHYLDOPA TABLET 500MG
** 50000710	METHYLDOPATE HCL INJECTION 250MG/5ML
** 00694300	MINIZIDE CAPSULE 1.0MG/0.5MG
** 00694320	MINIZIDE CAPSULE 2.0MG/0.5MG
** 00694360	MINIZIDE CAPSULE 5.0MG/0.5MG
** 50002096	MINOXIDIL TABLET 2.5MG
** 50002098	MINOXIDIL TABLET 10MG
** 50002751	PAZOSIN HCL CAPSULE 1MG
** 50002753	PAZOSIN HCL CAPSULE 2MG
** 50002755	PAZOSIN HCL CAPSULE 5MG
** 50005223	RESERPINE TABLET 0.1MG
** 50005231	RESERPINE TABLET 0.25MG
** 00318901	TENEX TABLET 1MG
** 00318903	TENEX TABLET 2MG
** 00380115	TENORETIC 50 TABLET
** 00380117	TENORETIC 100 TABLET
** 00060067	TIMOLIDE TABLET 10/25
** 00060720	VASERETIC TABLET 10/25
** 00063508	VASOTEC INJECTION 1.25MG/ML 2ML VIAL
** 00060014	VASOTEC TABLET 2.5MG
** 00060712	VASOTEC TABLET 5MG
** 00060713	VASOTEC TABLET 10MG
** 00060714	VASOTEC TABLET 20MG

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NOTICE OF EMERGENCY AMENDMENTS

SECTION 141.560
EMERGENCY

ANTIHYPERTENSIVES (Cont'd.)

Item Number	Drug Name and Strength
** 00080073	WYTENSIN TABLET 4MG
** 00080074	WYTENSIN TABLET 8MG
** 00080092	WYTENSIN TABLET 16MG

(Source: Emergency amendment at 14 Ill. Reg. 2657, effective February 2, 1990, for a maximum of 150 days)

SECTION 141.800
EMERGENCY

ANTIMICROBIAL: MISCELLANEOUS

Item Number	Drug Name and Strength
** 50004923	ACYCLOVIR CAPSULE 200MG
** 50001410	ACYCLOVIR INJECTION 500MG VIAL
** 50000851	AMANTADINE HCL CAPSULE 100MG
** 50000853	AMANTADINE HCL SYRUP 50MG/5ML
** 60008018	ANTIMICROBIAL MISCELLANEOUS-INJECTION-NOT OTHERWISE LISTED-IF REQUIRES RX
** 60008017	ANTIMICROBIAL MISCELLANEOUS-ORAL-NOT OTHERWISE LISTED-IF LAW REQUIRES RX
** 50005151	AZTREONAM INJECTION 500MG/15ML VIAL
** 50005153	AZTREONAM INJECTION 500MG/100ML BOTTLE
** 50005155	AZTREONAM INJECTION 1GM/15ML VIAL
** 50005157	AZTREONAM INJECTION 1GM/100ML BOTTLE
** 50005159	AZTREONAM INJECTION 2GM/15ML VIAL
** 50005161	AZTREONAM INJECTION 2GM/100ML BOTTLE
** 50001411	BACITRACIN INJECTION 10,000 UNITS IM
** 50001412	BACITRACIN INJECTION 50,000 UNITS IM
** 50001128	CHLORAMPHENICOL CAPSULE 250MG
** 50001413	CHLORAMPHENICOL CAPSULE 500MG
** 50001236	CHLORAMPHENICOL PALMITATE ORAL SUSPENSION 150MG/5ML 60ML
** 50000061	CHLORAMPHENICOL SODIUM SUCCINATE INJECTION 1GM VIAL
** 50001414	CINOXACIN CAPSULE 250MG
** 50001415	CINOXACIN CAPSULE 500MG
** 50001793	CIPROFLOXACIN TABLET 250MG
** 50001795	CIPROFLOXACIN TABLET 500MG
** 50001797	CIPROFLOXACIN TABLET 750MG
** 50001416	CLINDAMYCIN HCL CAPSULE 75MG
** 50001417	CLINDAMYCIN HCL CAPSULE 150MG
** 50005804	CLINDAMYCIN HCL CAPSULE 300MG

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NOTICE OF EMERGENCY AMENDMENTS

SECTION 141.800 ANTIMICROBIAL: MISCELLANEOUS (Cont'd.)

EMERGENCY

Item Number	Drug Name and Strength
** 50001418	CLINDAMYCIN PALMITATE GRANULES 75MG/5ML 100ML
** 50001420	CLINDAMYCIN PHOSPHATE INJECTION 300MG/2ML 2ML AMP/VIAL
** 50001421	CLINDAMYCIN PHOSPHATE INJECTION 600MG/4ML 4ML AMP/VIAL
** 50001419	CLINDAMYCIN PHOSPHATE INJECTION 900MG/6ML 6ML AMP/VIAL
** 50001423	COLISTIMETHATE SODIUM INJECTION 150MG VIAL
** 50001424	COLISTIN SULFATE ORAL SUSPENSION 25MG/5ML 60ML
** 50001219	DAPSONE TABLET 25MG
** 50001223	DAPSONE TABLET 100MG
** 50002013	ERYTHROMYCIN ETHYLSUCCINATE 200MG/5ML; SULFISOXAZOLE ACETYL 600MG/5ML SUSP 100ML
** 50002015	ERYTHROMYCIN ETHYLSUCCINATE 200MG/5ML; SULFISOXAZOLE ACETYL 600MG/5ML SUSP 150ML
** 50002017	ERYTHROMYCIN ETHYLSUCCINATE 200MG/5ML; SULFISOXAZOLE ACETYL 600MG/5ML SUSP 200ML
** 50001425	ERYTHROMYCIN ETHYLSUCCINATE 200MG/5ML SUSP 200ML
** 50001426	FURAZOLIDONE LIQUID 50MG/15ML
** 50001427	FURAZOLIDONE TABLET 100MG
** 50002331	HYDROXYSTILBAMIDINE ISOETHIONATE INJECTION 225MG/20ML AMP
** 50002333	IMIPIENEM 250MG; CILASTATIN SODIUM 250MG INJECTION INFUSION VIAL
** 50002335	IMIPIENEM 250MG; CILASTATIN SODIUM 250MG INJECTION VIAL
** 50002339	IMIPIENEM 500MG; CILASTATIN SODIUM 500MG INJECTION INFUSION VIAL
** 50002335	IMIPIENEM 500MG; CILASTATIN SODIUM 500MG INJECTION VIAL
** 00280108	LAMPRENE CAPSULE 50MG
** 00280109	LAMPRENE CAPSULE 100MG
** 50001428	LINCOCYCIN CAPSULE 250MG
** 50001429	LINCOCYCIN CAPSULE 500MG
** 50001431	LINCOCYCIN INJECTION 300MG/ML 2ML SYRINGE
** 50001432	LINCOCYCIN INJECTION 300MG/ML 2ML VIAL
** 50001433	LINCOCYCIN INJECTION 300MG/ML 10ML VIAL
** 50001018	METHENAMINE HIPPURATE TABLET 1GM
** 50003780	METHENAMINE MANDELATE GRANULES 0.5GM
** 50003781	METHENAMINE MANDELATE GRANULES 1.0GM

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SECTION 141.800 ANTIMICROBIAL: MISCELLANEOUS (Cont'd.)

EMERGENCY

Item Number	Drug Name and Strength
** 50003778	METHENAMINE MANDELATE SUSP 50MG/ML
** 50003779	METHENAMINE MANDELATE SUSP 100MG/ML
** 50003735	METHENAMINE MANDELATE TAB 0.25GM
** 50003743	METHENAMINE MANDELATE TAB 0.50GM
** 50003751	METHENAMINE MANDELATE TAB 1.00GM
** 50001435	METHYLENE BLUE TABLET 65MG
** 50001436	NALIDIXIC ACID ORAL SUSPENSION 250MG/5ML
** 50001437	NALIDIXIC ACID TABLET 250MG
** 50001438	NALIDIXIC ACID TABLET 500MG
** 50001439	NALIDIXIC ACID TABLET 1GM
** 50005526	NEOMYCIN SULFATE EQ 40MG BASE/ML; POLYMYXIN B SULFATE 200,000U/ML 1ML
** 50005528	NEOMYCIN SULFATE EQ 40MG BASE/ML; POLYMYXIN B SULFATE 200,000U/ML 20ML
** 50005523	NORFLOXACIN TABLET 400MG
** 50001570	NOVOBIOCIN CAPSULE 250MG
** 50004951	PENTAMIDINE ISETHIONATE INJECTION 300MG/VIAL
** 50004028	PHENAZOPYRIDINE HCL TABLET 100MG
** 50004030	PHENAZOPYRIDINE HCL TABLET 200MG
** 50001571	POLYMYXIN B SULFATE INJECTION 500,000 UNITS/VIAL
** 50001572	SPECTINOMYCIN INJECTION 2GM VIAL
** 50001573	SPECTINOMYCIN INJECTION 4GM VIAL
** 50001218	SULFAMETHOXAZOLE 200MG/5ML; TRIMETHOPRIM 40MG/5ML SUSPENSION
** 50001220	SULFAMETHOXAZOLE 400MG; TRIMETHOPRIM 80MG TABLET
** 50001221	SULFAMETHOXAZOLE 800MG; TRIMETHOPRIM 160MG TABLET
** 50001217	SULFAMETHOXAZOLE 400MG/5ML; TRIMETHOPRIM 80MG/5ML INJECTION 5ML AMP/VIAL
** 50001574	SULFOXONE SODIUM TABLET ENTERIC COATED 165MG
** 50001224	TRIMETHOPRIM TABLET 100MG
** 50001575	TRIMETHOPRIM TABLET 200MG
** 50006866	TROLEANDOMYCIN CAPSULE 250MG
** 50006874	TROLEANDOMYCIN SUSPENSION 125MG/5ML
** 50000901	VANCOMYCIN HCL CAPSULE 125MG
** 50000903	VANCOMYCIN HCL CAPSULE 250MG
** 50001576	VANCOMYCIN HCL INJECTION 500MG
** 50001579	VANCOMYCIN HCL INJECTION 1GM VIAL
** 50002523	VANCOMYCIN HCL ORAL SOLUTION 1GM/20ML
** 50001577	VANCOMYCIN HCL ORAL SOLUTION 10GM/115ML

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NOTICE OF EMERGENCY AMENDMENTS

SECTION 141.800

ANTIMICROBIAL: MISCELLANEOUS (Cont'd.)

EMERGENCY

Item Number	Drug Name and Strength
** 50001578	VIDARABINE INJECTION 200MG/5ML 10ML VIAL
** 50009000	ZIDOVUDINE CAPSULE 100MG
** 50009001	ZIDOVUDINE SYRUP 50MG/5ML

(Source: Emergency amendment at 14 Ill. Reg. 2657, effective February 2, 1990, for a maximum of 150 days)

SECTION 141.1000

ANTIMICROBIAL: VACCINES

EMERGENCY

Item Number	Drug Name and Strength
** 50004672	HEPATITIS B VACCINE 10MCG ANTIGEN/ML 0.5ML VIAL
** 50004670	HEPATITIS B VACCINE 20MCG ANTIGEN/ML 3ML MULTI-DOSE VIAL
** 50001900	HEPATITIS B VACCINE (RECOMBINANT) 5MCG/0.5ML 1 DOSE VIAL
** 50001904	HEPATITIS B VACCINE (RECOMBINANT) 10MCG/ML 1ML VIAL
** 50001902	HEPATITIS B VACCINE (RECOMBINANT) 10MCG/ML 3 DOSE VIAL
** 50001749	HEPATITIS B VACCINE (RECOMBINANT) 40MCG/ML 1ML VIAL
** 50004666	PNEUMOCOCCAL VACCINE - POLYVALENT
** 40004232	TETANUS TOXOID INJECTION ADSORBED 0.5ML

(Source: Emergency amendment at 14 Ill. Reg. 2657, effective February 2, 1990, for a maximum of 150 days)

SECTION 141.1320

CARDIOVASCULAR: BETA BLOCKERS

EMERGENCY

Item Number	Drug Name and Strength
** 00741664	CARTROL TABLET 2.5MG
** 00741665	CARTROL TABLET 5.0MG
** 00030232	CORGARD TABLET 20MG
** 00030207	CORGARD TABLET 40MG
** 00030241	CORGARD TABLET 80MG
** 00030208	CORGARD TABLET-120MG
** 00030246	CORGARD TABLET-160MG

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NOTICE OF EMERGENCY AMENDMENTS

SECTION 141.1320

CARDIOVASCULAR: BETA BLOCKERS (Cont'd)

EMERGENCY

Item Number	Drug Name and Strength
** 40001069	LABETALOL HCL TABLET 100MG
** 50003386	LABETALOL HCL TABLET 200MG
** 50003388	LABETALOL HCL TABLET 300MG
** 00214500	LEVATOL TABLET 20MG
** 00280051	LOPRESSOR TABLET 50MG
** 00280071	LOPRESSOR TABLET 100MG
G 50005440	PROPRANOLOL HCL INJECTION 1MG/1ML AMP
** 50005468	PROPRANOLOL HCL LONG ACTING CAPSULE 80MG
** 50005470	PROPRANOLOL HCL LONG ACTING CAPSULE 80MG
** 50005475	PROPRANOLOL HCL LONG ACTING CAPSULE 120MG
** 50005480	PROPRANOLOL HCL LONG ACTING CAPSULE 160MG
** 50005442	PROPRANOLOL HCL TABLET 10MG
** 50005444	PROPRANOLOL HCL TABLET 20MG
** 50005446	PROPRANOLOL HCL TABLET 40MG
** 50005448	PROPRANOLOL HCL TABLET 60MG
** 50005450	PROPRANOLOL HCL TABLET 80MG
** 50005452	PROPRANOLOL HCL TABLET 90MG
** 00824177	SECTRAL CAPSULE 200MG
** 00824179	SECTRAL CAPSULE 400MG
** 00380105	TENORMIN TABLET 50MG
** 00380101	TENORMIN TABLET 100MG
** 50007401	TIMOLOL MALEATE TABLET 10MG
** 50007402	TIMOLOL MALEATE TABLET 20MG
** 00780111	VISKEN TABLET 5MG
** 00780073	VISKEN TABLET 10MG

(Source: Emergency amendment at 14 Ill. Reg. 2657, effective February 2, 1990, for a maximum of 150 days)

SECTION 141.1880

EYE/EAR/NOSE/THROAT: MIOTICS/GLAUCOMA

EMERGENCY

Item Number	Drug Name and Strength
** 01190469	BETAGAN OPHTHALMIC SOLUTION 0.25% 5ML
** 01191469	BETAGAN OPHTHALMIC SOLUTION 0.25% 10ML
** 00230252	BETAGAN OPHTHALMIC SOLUTION 0.5% 5ML
** 00231252	BETAGAN OPHTHALMIC SOLUTION 0.5% 10ML
** 00232252	BETAGAN OPHTHALMIC SOLUTION 0.5% 15ML
** 00651245	BETOPTIC OPHTHALMIC SOLUTION 0.5% 2.5ML
** 00650245	BETOPTIC OPHTHALMIC SOLUTION 0.5% 5ML
** 00650255	BETOPTIC OPHTHALMIC SOLUTION 0.5% 10ML

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SECTION 141.1880 EYE/EAR/NOSE/THROAT: MIOTICS/GLAUCOMA
(Cont'd.)

EMERGECNY

Item Number	Drug Name and Strength
** 00652245	BETOPTIC OPHTHALMIC SOLUTION 0.5% 15ML
50000110	CARBACHOL OPHTHALMIC SOLUTION 0.75% 15ML
50000111	CARBACHOL OPHTHALMIC SOLUTION 1.5% 15ML
50000112	CARBACHOL OPHTHALMIC SOLUTION 2.25% 15ML
50000113	CARBACHOL OPHTHALMIC SOLUTION 3.0% 15ML
50000270	ECHOTHIOPHATE IODIDE 1.5MG (0.03%) 5ML
50000271	ECHOTHIOPHATE IODIDE 3.0MG (0.06%) 5ML
50000272	ECHOTHIOPHATE IODIDE 6.25MG (0.125%) 5ML
50000273	ECHOTHIOPHATE IODIDE 12.5MG (0.25%) 5ML
50000290	EPINEPHRINE (AS BITARTRATE) OPHTHALMIC SOLUTION 0.5% (AS 1.0% BITARTRATE) 15ML
50000292	EPINEPHRINE (AS BITARTRATE) OPHTHALMIC SOLUTION 1.0% (AS 2.0% BITARTRATE) 7.5ML
50000294	EPINEPHRINE (AS BITARTRATE) OPHTHALMIC SOLUTION 1.0% (AS 2.0% BITARTRATE) 15ML
50000300	EPINEPHRINE (AS BORATE) OPHTHALMIC SOLUTION 0.25% 7.5ML
50000302	EPINEPHRINE (AS BORATE) OPHTHALMIC SOLUTION 0.5% 7.5ML
50000304	EPINEPHRINE (AS BORATE) OPHTHALMIC SOLUTION 1.0% 7.5ML
50000310	EPINEPHRINE (AS HCL) OPHTHALMIC SOLUTION 0.25% 15ML
50000314	EPINEPHRINE (AS HCL) OPHTHALMIC SOLUTION 0.5% 10ML
50000316	EPINEPHRINE (AS HCL) OPHTHALMIC SOLUTION 0.5% 15ML
50000320	EPINEPHRINE (AS HCL) OPHTHALMIC SOLUTION 1.0% 10ML
50000322	EPINEPHRINE (AS HCL) OPHTHALMIC SOLUTION 1.0% 15ML
50000326	EPINEPHRINE (AS HCL) OPHTHALMIC SOLUTION 2.0% 10ML
50000328	EPINEPHRINE (AS HCL) OPHTHALMIC SOLUTION 2.0% 15ML
50003042	GLYCERIN 50% 180ML
50003040	GLYCERIN 75% 120ML
17314406	OCUSERT PILO-20 PACKAGE OF 8
17314408	OCUSERT PILO-40 PACKAGE OF 8
00461013	OPHTHALGAN SOLUTION 7.5ML
00230090	P V CARPINE OPHT SOLN 0.5% 15ML
00230091	P V CARPINE OPHT SOLN 1.0% 15ML
00230092	P V CARPINE OPHT SOLN 2.0% 25ML
00230093	P V CARPINE OPHT SOLN 3.0% 15ML
00230094	P V CARPINE OPHT SOLN 4.0% 15ML
00230096	P V CARPINE OPHT SOLN 6.0% 15ML
50000850	PILOCARPINE HCL OPHT SOLN 0.25% 10ML
** 50000852	PILOCARPINE HCL OPHT SOLN 0.5% 15ML

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SECTION 141.1880 EYE/EAR/NOSE/THROAT: MIOTICS/GLAUCOMA
(Cont'd.)

EMERGECNY

Item Number	Drug Name and Strength
** 50000854	PILOCARPINE HCL OPHT SOLN 0.5% 30ML
** 50000856	PILOCARPINE HCL OPHT SOLN 1.0% 15ML
** 50000858	PILOCARPINE HCL OPHT SOLN 1.0% 30ML
** 50000860	PILOCARPINE HCL OPHT SOLN 1.5% 15ML
** 50000862	PILOCARPINE HCL OPHT SOLN 2.0% 15ML
** 50000864	PILOCARPINE HCL OPHT SOLN 2.0% 30ML
** 50000866	PILOCARPINE HCL OPHT SOLN 3.0% 15ML
** 50000868	PILOCARPINE HCL OPHT SOLN 3.0% 30ML
** 50000870	PILOCARPINE HCL OPHT SOLN 4.0% 15ML
** 50000872	PILOCARPINE HCL OPHT SOLN 4.0% 30ML
** 50000874	PILOCARPINE HCL OPHT SOLN 5.0% 15ML
** 50000876	PILOCARPINE HCL OPHT SOLN 6.0% 15ML
** 50000878	PILOCARPINE HCL OPHT SOLN 6.0% 30ML
** 50000880	PILOCARPINE HCL OPHT SOLN 8.0% 15ML
** 50000882	PILOCARPINE HCL OPHT SOLN 10.0% 15ML
** 00230160	PROPINE OPHTHALMIC SOLUTION 0.1% 5ML
** 00230260	PROPINE OPHTHALMIC SOLUTION 0.1% 10ML
** 00230360	PROPINE OPHTHALMIC SOLUTION 0.1% 15ML
** 50007405	TIMOLOL MALEATE OPHT SOLN 0.25% 5ML
** 50007406	TIMOLOL MALEATE OPHT SOLN 0.25% 10ML
** 50007409	TIMOLOL MALEATE OPHT SOLN 0.25% 15ML
** 50007407	TIMOLOL MALEATE OPHT SOLN 0.5% 5ML
** 50007408	TIMOLOL MALEATE OPHT SOLN 0.5% 10ML
** 50007410	TIMOLOL MALEATE OPHT SOLN 0.5% 15ML

(Source: Emergency amendment at 14 Ill. Reg. 2657, effective February 2, 1990, for a maximum of 150 days)

SECTION 141.3440 ONCOLYTIC/ANTINEOPLASTIC: ANTIBIOTICS
EMERGECNY

Item Number	Drug Name and Strength
** 38243875	ADRIAMYCIN-INJECTION-10MG-VIAL
** 38244875	ADRIAMYCIN-INJECTION-20MG-VIAL
** 38242875	ADRIAMYCIN-INJECTION-50MG-VIAL
** 00153010	BLENOXANE INJECTION 15U AMP
** 00824155	CERUBIDINE 20MG VIAL
** 00063298	COSMEGEN INJECTION 0.5MG VIAL
** 50001660	DOXORUBICIN HCL LYOPHILIZED INJ 10MG
** 50001662	DOXORUBICIN HCL LYOPHILIZED INJ 20MG
** 50001664	DOXORUBICIN HCL LYOPHILIZED INJ 50MG
** 50001668	DOXORUBICIN HCL LYOPHILIZED INJ 150MG

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

SECTION 141.3440 ONCOLYTIC/ANTINEOPLASTIC: ANTIBIOTICS
EMERGENCY (Cont'd.)

Item Number	Drug Name and Strength
** 50001670	DOXORUBICIN HCL SOLUTION FOR INJECTION 2MG/ML 5ML VIAL
** 50001672	DOXORUBICIN HCL SOLUTION FOR INJECTION 2MG/ML 10ML VIAL
** 50001674	DOXORUBICIN HCL SOLUTION FOR INJECTION 2MG/ML 25ML VIAL
** 00268161	MITHRACIN INJECTION 2.5MG/VIAL
** 00153001	MUTAMYCIN INJECTION 5MG VIAL
** 00153002	MUTAMYCIN INJECTION-20MG VIAL
** 00059393	NOVANTRONE INJECTION 2MG/ML 10ML VIAL
** 00059493	NOVANTRONE INJECTION 2MG/ML 12.5ML VIAL
** 00059593	NOVANTRONE INJECTION 2MG/ML 15ML VIAL

(Source: Emergency amendment at 14 Ill. Reg. 2657, effective February 2, 1990, for a maximum of 150 days)

SECTION 141.3480 ONCOLYTIC/ANTINEOPLASTIC: ANTIMETABOLITES
EMERGENCY

Item Number	Drug Name and Strength
** 50001391	CYTARABINE LYOPHILIZED INJECTION 100MG
** 50001393	CYTARABINE LYOPHILIZED INJECTION 500MG
** 00090168	CYTOSAR INJECTION 100MG W DILUENT
** 00090216	CYTOSAR INJECTION 500MG W DILUENT
** 50000400	FLUOROURACIL INJECTION 500MG/10ML AMP
** 50006603	FLOXURIDINE INJECTION 500MG/5ML
** 00054554	METHOTREXATE SODIUM AQ INJECTION 2.5MG/ML 2ML VIAL
** 00054556	METHOTREXATE SODIUM AQ INJECTION 25MG/ML 2ML VIAL
** 50005681	METHOTREXATE SODIUM AQ INJECTION 25MG/ML 4ML VIAL
** 50005683	METHOTREXATE SODIUM AQ INJECTION 25MG/ML 8ML VIAL
** 50005685	METHOTREXATE SODIUM AQ INJECTION 25MG/ML 10ML VIAL
** 00054654	METHOTREXATE SODIUM POWDER INJECTION-20MG VIAL
** 50005687	METHOTREXATE SODIUM POWDER INJECTION 50MG VIAL
** 00055203	METHOTREXATE SODIUM POWDER INJECTION 100MG VIAL

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

SECTION 141.3480 ONCOLYTIC/ANTINEOPLASTIC: ANTIMETABOLITES
EMERGENCY (Cont'd.)

Item Number	Drug Name and Strength
** 00054561	METHOTREXATE SODIUM TABLET 2.5MG
** 00810807	PURINETHOL TABLET 50MG
** 00810880	THIOGUANINE TABLET 40MG

(Source: Emergency amendment 14 Ill. Reg. 2657, effective February 2, 1990, for a maximum of 150 days)

SECTION 141.3880 PSYCHOTHERAPEUTIC: ANTIPARKINSON
EMERGENCY

Item Number	Drug Name and Strength
** 50006621	BENZTROPINE MESYLATE INJECTION 1MG/ML 2ML
** 50006623	BENZTROPINE MESYLATE TABLET 0.5 MG
** 50006625	BENZTROPINE MESYLATE TABLET 1.0MG
** 50006627	BENZTROPINE MESYLATE TABLET 2.0MG
** 50003381	LEVODOPA TABLET/CAPSULE 100MG
** 50003382	LEVODOPA TABLET/CAPSULE 250MG
** 50003384	LEVODOPA TABLET/CAPSULE 500MG
** 00024131	PERMAX TABLET 0.05MG
** 00024133	PERMAX TABLET 0.25MG
** 00024135	PERMAX TABLET 1.0MG
** 00060647	SINEMET TABLET 10/100
** 00060650	SINEMET TABLET 25/100
** 00060654	SINEMET TABLET 25/250
** 50006489	TRIHENXYPHENIDYL HCL ELIXIR 2MG/5CC
** 50006485	TRIHENXYPHENIDYL HCL 2MG
** 50006487	TRIHENXYPHENIDYL HCL 5MG
** 50006491	TRIHENXYPHENIDYL HCL - TD 5MG

(Source: Emergency at 14 Ill. Reg. 2657, effective February 2, 1990, for a maximum of 150 days)

SECTION 141.4360 SKIN/MUCOUS MEMBRANE: DERMAL ULCERS
EMERGENCY

Item Number	Drug Name and Strength
** 50003531	BALSAM PERU; CASTOR OIL; TRYPSIN 72.5MG; 650MG; 0.1MG/0.82ML AEROSOL 60GM
** 50003533	BALSAM PERU; CASTOR OIL; TRYPSIN 72.5MG; 650MG; 0.1MG/0.82ML AEROSOL 120GM

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

SECTION 141.4360 SKIN/MUCOUS MEMBRANE: DERMAL ULCERS (Cont'd)
EMERGENCY

Item Number	Drug Name and Strength
** 10102060	CARA-KLENZ SPRAY 180ML
** 10102160	CARA-KLENZ SPRAY 480ML
** 10101005	CARRINGTON DERMAL WOUND GEL 15ML
** 10101030	CARRINGTON DERMAL WOUND GEL 90ML
** 50000160	COLLAGENASE OINTMENT 250U/GM 15GM
** 50000161	COLLAGENASE OINTMENT 250U/GM 30GM
** 00160024	DEBRISAN 60GM
** 00161024	DEBRISAN 120GM
** 00162024	DEBRISAN 4GM PACKETS 7'S
** 00163024	DEBRISAN 4GM PACKETS 14'S
** 12815501	DECUBITEX OINTMENT 15GM
** 12816501	DECUBITEX OINTMENT 60GM
** 12814501	DECUBITEX OINTMENT 120GM
** 12814410	DECUBITEX POWDER 10GM
** 12814420	DECUBITEX POWDER 30GM
** 12814430	DECUBITEX POWDER 1GM 30'S
** 12814440	DECUBITEX POWDER 1GM 100'S
** 00031876	DUODERM STERILE HYDROACTIVE DRESSING 4X4
** 00031888	DUODERM STERILE HYDROACTIVE DRESSING 6X8
** 00031986	DUODERM STERILE HYDROACTIVE DRESSING 8X8
** 00031988	DUODERM STERILE HYDROACTIVE DRESSING 8X12
** 00031877	DUODERM STERILE HYDROACTIVE GRANULES 4GM
** 00711255	ELASE FOR SOLUTION
** 00712221	ELASE OINTMENT 10GM SIZE
** 00711121	ELASE OINTMENT 30GM SIZE
** 00712124	ELASE/CHLOROMYCETIN OINTMENT 10GM SIZE
** 00711124	ELASE/CHLOROMYCETIN OINTMENT 30GM SIZE
G** 02121620	TEGADERM TRANSPARENT DRESSING #1620 FIRST AID STYLE 2-3/8" X 2-3/4"
G** 02121621	TEGADERM TRANSPARENT DRESSING #1621 FIRST AID STYLE 4" X 5-1/2"
G** 02121622	TEGADERM TRANSPARENT DRESSING #1622 FRAME STYLE 1-3/4" X 1-3/4"
G** 02121625	TEGADERM TRANSPARENT DRESSING #1625 FRAME STYLE 2-3/8" X 2-3/4"
G** 02121627	TEGADERM TRANSPARENT DRESSING #1627 FRAME STYLE 4" X 10"
G** 02121628	TEGADERM TRANSPARENT DRESSING #1628 FRAME STYLE 6" X 8"
G** 02121629	TEGADERM TRANSPARENT DRESSING #1629 FRAME STYLE 8" X 12"
G** 02121636	TEGADERM TRANSPARENT DRESSING #1636 FRAME POUCH STYLE 4" X 4-3/4"

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

SECTION 141.4360 SKIN/MUCOUS MEMBRANE: DERMAL ULCERS
EMERGENCY (Cont'd.)

G** 02121638	TEGADERM TRANSPARENT DRESSING #1638 POUCH STYLE 6" X 8"
G** 02121639	TEGADERM TRANSPARENT DRESSING #1639 POUCH STYLE 8" X 12"
G** 02129505	TEGADERM TRANSPARENT DRESSING #9505 FRAME STYLE 2-3/8" X 2-3/4"
G** 02129506	TEGADERM TRANSPARENT DRESSING #9506 FRAME STYLE 4" X 4-3/4"
G** 02120901	TEGASORB FLEXIBLE HYDROACTIVE DRESSING SMALL OVAL STERILE 4" X 4-3/4"
G** 02120902	TEGASORB FLEXIBLE HYDROACTIVE DRESSING SMALL SQUARE STERILE 4" X 4"
G** 02120903	TEGASORB FLEXIBLE HYDROACTIVE DRESSING MEDIUM OVAL STERILE 5" X 6"
G** 02120904	TEGASORB FLEXIBLE HYDROACTIVE DRESSING LARGE OVAL STERILE 6-1/2" X 7-7/8"
G** 02120905	TEGASORB FLEXIBLE HYDROACTIVE DRESSING LARGE SQUARE STERILE 6" X 6"
** 00481500	TRAVASE OINTMENT 14.2GM TUBE

(Source: Emergency amendment at 14 Ill. Reg. 2657, effective February 2, 1990, for a maximum of 150 days)

SECTION 141.4640 TESTING SUPPLIES

Item Number	Drug Name and Strength
*** 01932381	ACETEST REAGENT TABLETS 100'S
*** 01932383	ACETEST REAGENT TABLETS 250'S
*** 01932870	ALBUSTIX STRIPS 100'S
*** 01932232	BUMINTEST TABLETS 100'S
*** 09245028	CHEMSTRIP 5 100'S
*** 09245010	CHEMSTRIP BG STRIPS 25'S
*** 09245012	CHEMSTRIP BG STRIPS 50'S
*** 09245030	CHEMSTRIP GP 100'S
*** 09245035	CHEMSTRIP K PAPERS 100'S
*** 09245011	CHEMSTRIP TEST KIT
*** 09245040	CHEMSTRIP UG STRIPS 100'S
*** 09245045	CHEMSTRIP UCK STRIPS 100'S
*** 01932844	CLINISTIX STRIP 50'S
*** 01932105	CLINITEST ANALYSIS SET
*** 01932114	CLINITEST ANALYSIS SET (2 DROP)
*** 09132112	CLINITEST (2 DROP) 36'S
*** 09132113	CLINITEST (2 DROP) 100'S

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

SECTION 141.4640 TESTING SUPPLIES (Cont'd.)
EMERGENCY

Item Number	Drug Name and Strength
*** 01932100	CLINITEST TABLET 36'S
*** 01932121	CLINITEST TABLETS 100'S
*** 01933100	CLINITEST TABLET FOIL 100'S
*** 01932867	COMBISTIX 100'S
*** 01932888	DEXTOSTIX REAGENT STRIPS 25'S
*** 01932886	DEXTOSTIX REAGENT STRIPS 100'S
*** 01932884	DEXTOSTIX REAGENT STRIPS FOIL 10'S
*** 02120505	DIASCAN DUAL PAD STRIPS 50'S
*** 01933802	DIASTIX STRIPS 50'S
*** 01932802	DIASTIX STRIPS 100'S
*** 01931000	DIASTIX-5 STRIPS 100'S
*** 50000513	FLUORESCEN SODIUM OPHT SOLN 2.0% 15CC
*** 05380031	GLUCOSCAN TEST STRIPS 50'S
*** 05380073	GLUCOSCAN TEST STRIPS 100'S
*** 01932627	GLUCOSTIX STRIPS 50'S
*** 01932628	GLUCOSTIX STRIPS 100'S
*** 01932876	HEMA-COMBISTIX 100'S
*** 01932816	HEMASTIX STRIPS 50'S
*** 01932426	HEMASTIX TABLET 100'S
*** 50003457	HISTAMINE PHOSPHATE INJECTION 0.275MG/ML
*** 50003458	HISTAMINE PHOSPHATE INJECTION 2.75MG/1ML
*** 50003459	HISTAMINE PHOSPHATE INJECTION 2.75MG/5ML
*** 01933882	KETO-DIASTIX 50'S
*** 01932882	KETO-DIASTIX 100'S
*** 01931010	KETO-DIASTIX 5 100'S
*** 01933880	KETOSTIX STRIPS 50'S
*** 01932880	KETOSTIX STRIPS 100'S
*** 01932810	LABSTIX 100'S
*** 50008000	LANCET FOR DIABETIC USE, STERILE
*** 01932854	N-URISTIX 100'S
*** 05380232	ONE TOUCH TEST STRIPS 50'S
*** 00022344	TES-TAPE 100 TEST PACKAGE
*** 05499300	TRENDSTRIPS 50'S
*** 01932855	URISTIX 100'S
*** 01931050	VISIDEX II REAGENT STRIPS 25'S
*** 01931080	VISIDEX II REAGENT STRIPS 100'S

(Source: Emergency amendment at 14 Ill. Reg. 2657, effective February 2, 1990, for a maximum of 150 days)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF CORRECTIONS TO NOTICE ONLY

1) Heading of Part: Reports of Child Abuse and Neglect

2) Code Citation: 89 Ill. Adm. Code 300

3) The Notice of Proposed Amendments being corrected appeared at 13 Ill. Reg. 20158, dated December 29, 1989.

4) The information corrected is as follows:

- 10) Statement of Statewide Policy Objectives: This rulemaking is mandated by an amendment to Section 4 of the Abused and Neglected Child Reporting Act. The statewide policy objective is to protect children who are suspected of being abused or neglected. Supervisors and administrators of general assistance are now required to report to the Department children known to them in their official capacity whom they have reasonable cause to believe may be abused or neglected.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 5, 1990

B) Types of small businesses affected: Physicians and small hospitals who must report newborn infants who are born with any amounts of a controlled substance in their blood or urine, substance abuse treatment programs whose personnel are required to report suspected child abuse and neglect; all mandated reporters listed in Section 300.30 who can be considered as small businesses, because they are now required to testify in administrative hearings resulting from child abuse and neglect reports.

C) Reporting bookkeeping or other procedures required for compliance: For all those required to report child abuse and neglect to the Department, follow-up in writing on a form prescribed by the Department is required.

D) Types of professional skills necessary for compliance: Those mandated to report child abuse and neglect already possess the skills required by their respective professions. Completing the follow-up form requires no added professional skill.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of the Part:

Structural Pest Control Code

2) Code Citation:

77 Ill. Adm. Code 830

3) Register Citation to Notice of Proposed Amendments:

14 Ill. Reg. 571 - January 12, 1990

4) Date, Time and Location of Public Hearing:

10:00 A.M.

March 14, 1990

Illinois Department of Public Health

Ground Floor Hearing Room

525 West Jefferson

Springfield, Illinois 62761

5) Other Pertinent Information:

The hearings will be for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing:

1. Each person presenting oral testimony shall provide to the Hearing Officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony shall be accepted without such written copy of the testimony being provided.
2. Each person presenting oral testimony will be limited to fifteen (15) minutes for the presentation of such testimony.
3. No person will be recognized to speak for a second time until all persons wishing to testify have done so. All testimony shall conclude at the specific times except that an individual in the midst of presenting testimony shall be allowed to complete his/her testimony.
4. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the Hearing Officer may impose such other rules of procedure, including the order of call of witnesses, as he/she deems necessary.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

6) Name and Address of Agency Contact Person:

Questions regarding these proposed amendments or public hearings shall be directed to:

Mr. Robert John Kane
Administrative Rules Coordinator
Illinois Department of Public Health
525 West Jefferson, Second Floor
Springfield, Illinois 62761

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish this information in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act
Citation: Ill. Rev. Stat. 1987, ch. 127, par. 2001
(Public Act 82-727, effective November 12, 1981)

2. Summary of information:

Index of Department of Revenue income tax letter rulings issued for the Fourth Quarter of 1989.

The ruling letters are listed numerically with a brief synopsis under the following subjects:

Addition Modifications
Bond Premium Amortization
Dividends
Interest
Net Operating Loss
Zero Coupon Bonds
Other Rulings
(not included above)
Administrative Review
Allocation
(For Alternative Allocation rulings, see that heading)
Alternative Allocation
Amnesty
Apportionment
Financial Organizations
Insurance Companies
Payroll Factor
Property Factor
Sales Factor
Transportation Services
Other Rulings
(not included above)
Assessment
Bankruptcy
Base Income
(Also See Addition Modifications, Fringe Benefits, Subtraction Modifications)
Books and Records
Bulk Sales: See Sales Outside the Ordinary Course of Business (Bulk Sales)
Business Income
Capital Gains (Losses)
(Also See Subtraction Modifications - Valuation Limitation)
Check Off Funds
Circuit Breaker
Claims for Refund: See Refunds
Collection
Combined Unitary Return
(Also See Unitary)
Commercial Domicile
Compensation
Composite Returns
Confidentiality
Credits
Coal Research and Utilization
Credit for Replacement Tax Paid
Enterprise Zone Investment
Foreign Tax
High Impact Business Investment
Jobs Tax
Replacement Tax Investment
Training Expense
Other Rulings
(not included above)

Deficiencies
Definitions
Domestic International Sales Corporations (DISC's)
Elections: See Combined Unitary Return, Extensions, Unitary Enterprise Zones
(Also See Credits, Subtraction Modifications)
Erroneous Refund: See Refunds
Estates
Estimated Tax
Exempt Organizations
Exemptions
Extensions
Failure to File: See Penalties
Failure to Pay: See Penalties
Farmers: See Estimated Tax
Federal Returns
Fiduciaries
Financial Organizations: See Apportionment
Foreclosure
Foreign Sales Corporations (FSC's)
Foreign Tax: See Credits
Foreign Trade Zones: See Subtraction Modifications, Credits --
Jobs Tax
Forms
Fraud: See Penalties
Fringe Benefits
IRC §125 "Cafeteria" Plans
IRC §401(k) Plans
Other Rulings
(not included above)
Gain (Loss): See Capital Gains (Losses), Valuation Limitation
Information Reports
Insurance Companies: See Apportionment
Interest Income
(Also See Addition Modifications, Subtraction Modifications)
Interest on Refunds and Deficiencies
IRC §338
Jeopardy: See Assessment
Judicial Review
Liens
Lottery
Military
(Also See Subtraction Modifications)
Miscellaneous
Modification Addition: See Addition Modifications
Modification Subtraction: See Subtraction Modifications
Mutual Funds: See Subtraction Modifications
Net Income (Loss) and Net Loss Deduction (LITA §207)
(Also See Base Income, Capital Gains (Losses), Combined Unitary Return, Net Operating Loss and Net Operating Loss Deduction, Unitary)
Net Operating Loss and Net Operating Loss Deduction
Nexus: See Public Law 86-272/Nexus
Nonbusiness Income
Nonresidents: See Residency/Nonresidency
Notice and Demand: See Notices
Notices
Overpayments: See Refunds
Partnerships
Payments:
(Also See Estimated Tax)
Payroll Factor: See Apportionment
Penalties
Failure to File (\$1001)
Failure to File Withholding Returns (\$1004)
Failure to Pay (\$1002)
Failure to Pay Estimated Tax (\$804)
Fraud (\$1002)
Reasonable Cause (\$1001)
Underpayment of Tax (\$1005)
Other Rulings
(not included above)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Pensions
(Also See Subtraction Modifications)
Political Organizations
Property Factor: See Apportionment
Property Tax: See Subtraction Modifications
Protest
Public Law 86-272/Nexus
Rate of Tax
Real Estate Investment Trusts
Responsible Cause: See Penalties
Refunds (Also See Subtraction Modifications)
Statute of Limitations
Other Rulings
(not included above)
Replacement Tax
(Also See Credits)
Residency/Nonresidency Returns
(For Combined Unitary Return and Composite Return rulings, see those headings)
Amended Returns
Due Dates
Requirements to File
Short Period Returns
Other Rulings
(not included above)
S Corporations
Sales Factor: See Apportionment
Sales Outside the Ordinary Course of Business (Bulk Sales)
Seizure
Separate Accounting: See Alternative Allocation
Signature
Specific Accounting
Statute of Limitations: See Assessment, Collection, Deficiencies, Refunds
Subchapter 'S' Corporations: See S Corporations
(not included above)

Subpart F Income: See Subtraction Modifications
Subtraction Modifications
Enterprise and Foreign Trade Zones
Illinois Tax Refund
Interest on U.S. Government Obligations
Military
Money Market Mutual Funds
Qualified Pension Plans
Real Estate Taxes
Subpart F Income
Valuation Limitation
Other Rulings
(not included above)
Taxability in Other States
Taxable Year
Transferees
(Also See Sales Outside the Ordinary Course of Business (Bulk Sales))
Transportation Services: See Apportionment
Trusts
Unitary
(Also See Combined Unitary Return)
U.S. Government Obligations: See Subtraction Modifications
Valuation Limitation: See Subtraction Modifications
Voluntary Disclosure Agreements
Waiver on Assessment: See Assessment
Withholding
Employee Benefits
Exemptions
Personal Service Contracts (ITTA §708)
Reciprocal Agreements
Other Rulings
(not included above)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 25¢ per page for each page over one.

The annual index of income tax letter rulings (all four quarters) is available for \$4.50 (this price includes both income tax and sales tax).

3. Name and address of person to contact concerning this information:

Margaret Forth
Legal Division
101 West Jefferson Street
Springfield, Illinois 62794
Telephone: (217) 782-6996

DEPARTMENT OF REVENUE

1989 FOURTH QUARTER SUNSHINE INDEX

ADDITION MODIFICATIONS - OTHER RULINGS (NOT INCLUDED ABOVE)

IT 89-264

10/18/89 A windfall profits tax deduction is not a required addition to federal income.

ALTERNATIVE ALLOCATION

IT 89-300

12/07/89 The effect of IITA §305(a) is to apportion the business income received from the Illinois partnership on a separate accounting basis, thus making a request for use of an alternative method of accounting pursuant to IITA §304(f) unnecessary.

IT 89-266

10/20/89 Denial of a corporation's petition to use an alternative allocation method under IITA §304(f).

APPORTIONMENT - INSURANCE COMPANIES

IT 89-293

12/05/89 Explains Illinois income taxation of an insurance company, including holding company and a subsidiary company.

APPORTIONMENT - OTHER RULINGS (NOT INCLUDED ABOVE)

IT 89-302

12/08/89 Wisconsin corporation whose employees conduct land-caping activities in Illinois is subject to Illinois income tax. Business income of corporation is apportioned pursuant to three-factor formula of IITA §304. The corporate activity was not within the protection of P.L. 86-272.

IT 89-296

12/06/89 A partnership having base income or a net loss allocable to Illinois is required to file an IL-1065 (Partnership Information & Replacement Tax Return. If partnership's trading activity in securities generates capital gain income and such income is "business income" as defined in IITA §1501(a)(1), then the business income would be apportioned to Illinois under a three-factor apportionment formula. If the gain from the sale of securities was not "business income" then the capital gain would be allocated to Illinois if the partnership had its commercial domicile in Illinois.

IT 89-273

11/08/89 Discusses Illinois income taxation of partnerships, S Corporations and nonresident shareholders. Includes definitions, explains apportionment, Illinois NOL deductions, unitary relationship, composite returns.

DEPARTMENT OF REVENUE

1989 FOURTH QUARTER SUNSHINE INDEX

IT 89-263

10/18/89 Questionnaire in regard to Illinois income tax treatment of intangibles was forwarded.

ASSESSMENT

IT 89-249

10/06/89 Under the provision of IITA §909(a), the Department may credit the amount of any overpayment, including interest allowed thereon, against any liability in respect of income tax, regardless whether other collection remedies are barred. If there was a valid notification and assessment of tax, there would be a valid assessment of interest on the tax to which it relates. The interest would be considered as tax due.

BASE INCOME

(Also See Addition Modifications, Fringe Benefits, Subtraction Modifications)

IT 89-312

12/20/89 Because an employee's salary reduction contributions to an IRC §125 cafeteria plan are excludible from the employee's federal adjusted gross income, they are effectively excluded from an employee's Illinois base income. IITA §203(a) does not require an addback of the salary reduction under such a plan.

IT 89-305

12/14/89 IITA §203(d) has provided for the computation of partnership base income. IITA §203(d)(2) requires the addback of certain amounts including §203(d)(2)(C) for guaranteed payments, and permits the deduction of certain amounts, including §203(d)(2)(H) for the greater of personal service income or a reasonable allowance for compensation paid or accrued for services rendered by partners to the partnership. The instructions provide that partners are not to take into account Lines 2c and 5c on Part I of Form IL-1065. These instructions treat partners the same way they were treated before the enactment of the replacement tax. It would be inappropriate to remove them.

IT 89-295

12/05/89 If the corporation reports no federal taxable income because of the IRC and a U.S. treaty or tax convention, no Illinois income tax would be owed unless the corporation has excess addition modifications subject to Illinois income tax.

IT 89-283

11/16/89 Discusses Illinois income taxation when claim for exemption is based on a treaty between United States and a foreign Country.

DEPARTMENT OF REVENUE

1989 FOURTH QUARTER SUNSHINE INDEX

- IT 89-275 11/09/89 Discusses income taxation of corporations, including rate of tax, and base income of corporations. Withholding tax guide (IL-700) forwarded along with Form IDR-341 (Tax Information Mailing List).
- IT 89-264 10/18/89 A windfall profits tax deduction is not a required addition to federal income.
- IT 89-263 10/18/89 Questionnaire in regard to Illinois income tax treatment of intangibles was forwarded.
- IT 89-262 10/16/89 Child whose income is properly reported on a U.S. Form 8814 (Parent's Election to Report Child's Interest and Dividends) and included in parent's adjusted gross income is not required to file his own Illinois return.
- IT 89-253 10/11/89 Questionnaire in regard to base income, exemptions and Illinois income tax rates was forwarded.
- IT 89-246 10/02/89 "Foreign earned income" excluded from federal adjusted gross income pursuant to IRC §911 is not subject to Illinois income tax. Because a housing cost exclusion is also permitted under IRC §911, the housing cost exclusion is also not subject to Illinois income tax.

BUSINESS INCOME

- IT 89-296 12/06/89 A partnership having base income or a net loss allocable to Illinois is required to file an IL-1065 (Partnership Information & Replacement Tax Return. If partnership's trading activity in securities generates capital gain income and such income is "business income" as defined in IITA §1501(a)(1), then the business income would be apportioned to Illinois under a three-factor apportionment formula. If the gain from the sale of securities was not "business income" then the capital gain would be allocated to Illinois if the partnership had its commercial domicile in Illinois.

CAPITAL GAINS (LOSSES)

(Also See Subtraction Modifications - Valuation Limitation)

- IT 89-294 12/05/89 Department forwarded questionnaire pertaining to Illinois income taxation of income from federal and state obligations, long-term capital gain distributions, and certain federally tax qualified retirement plans.

DEPARTMENT OF REVENUE

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COLLECTION

- IT 89-272 11/08/89 The IIT Regs. do not permit a protest and appeal from an offset on an IL-1120 (as opposed to a claim denied on an IL-1120X). In order to obtain an administrative hearing for an offset by the Department, the taxpayer should file a claim for refund of interest paid for 1980 using an IL-1120X. This claim for refund must be filed within one year of the Department's notice of offset. The taxpayer could protest any denial of its claim for refund and request a hearing. IITA §910 (enclosed).

IT 89-249

10/06/89 Under the provision of IITA §909(a), the Department may credit the amount of any overpayment, including interest allowed thereon, against any liability in respect of income tax, regardless whether other collection remedies are barred. If there was a valid notification and assessment of tax, there would be a valid assessment of interest on the tax to which it relates. The interest would be considered as tax due.

COMBINED UNITARY RETURN

(Also See Unitary)

IT 89-255

10/11/89 Discusses filing requirement of Target which survived a merger and whose taxable year was not altered.

COMPOSITE RETURNS

IT 89-273

11/08/89 Discusses Illinois income taxation of partnerships, S Corporations, and nonresident shareholders. Includes definitions, explains apportionment, Illinois NOL deductions unitary relationship, composite returns.

IT 89-268

10/31/89 The Partners (30 S-Corporations) of a partnership, each of which was 100 percent owned by an individual nonresident shareholder, were granted permission to file a composite return. The individual shareholders were denied permission to file a composite return since there was more than one S Corporation.

CONFIDENTIALITY

IT 89-267

10/26/89 The confidentiality provisions of the Illinois Income Tax Act [IITA §917(a)] and the Retailers' Occupation Tax Act (ROT §11) prohibit the Department from releasing the

DEPARTMENT OF REVENUE

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CREDITS - TRAINING EXPENSE

- IT 89-284 11/16/89 In determining whether a course of action or program qualifies as semi-technical or technical or semi-skilled or skilled, the Department will be guided by the fact that the purpose of the training expense credit is to provide educational, technical and vocational training to enable individuals to perform the specialized tasks required by the new technologies of modern business and industry. Computer training qualifies for the Training Expense Credit. The wages of such employee must be pro-rated based on the amount of time actually spent in conducting the training.

ESTATES

- IT 89-278 11/14/89 Explains method to request prompt determination of liability in the case of a return of a decedent or his estate.

EXEMPT ORGANIZATIONS

- IT 89-274 11/09/89 Organizations which are exempt from federal income tax under IRC §501(a) are not required to file Form IL-990-T unless, for the taxable year, they received unrelated business income which is subject to tax in Illinois or unless they are required to file federal Form 990-T.

- IT 89-260 10/13/89 An organization exempt from federal income tax by reason of IRC §501(a) is also exempt from Illinois income tax.

- IT 89-247 10/02/89 There has been no material changes in the law that would require the filing of an Illinois income tax return by a Not-For-Profit corporation [IRC §501(c)] which has no unrelated business income.

EXEMPTIONS

- IT 89-253 10/11/89 Questionnaire in regard to base income, exemptions, and Illinois income tax rates was forwarded.

FEDERAL RETURNS

- IT 89-283 11/16/89 Discusses Illinois income taxation when claim for exemption is based on a treaty between United States and a foreign country.

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IT 89-261

10/16/89 The Illinois income taxation of persons normally depends on the manner of taxation for federal income tax purposes. The manner of the taxation of owners of a working interest in an oil or gas well will depend on the federal income tax treatment of these owners. In the case of an oil and gas joint operating agreement, whether the agreement creates an association taxable as a corporation rather than a partnership depends on the presence of the basic corporate attributes, including centralization of management and continuity of existence.

FORMS

IT 89-262

10/16/89 Child whose income is properly reported on a U.S. Form 8814 (Parent's Election to Report Child's Interest and Dividends) and included in parent's adjusted gross income is not required to file his own Illinois return.

IT 89-254

10/11/89 Discusses partnership's requirements to file income tax return and forms required.

FRINGE BENEFITS - IRC §125 "CAFETERIA" PLANS

IT 89-312

12/20/89 IRC §125 "Cafeteria Plans": Because an employee's salary reduction contributions to an IRC §125 cafeteria plan are excludable from the employee's federal adjusted gross income, they are effectively excluded from an employee's Illinois base income. IITA §203(a) does not require an addback of the salary reduction under such a plan.

FRINGE BENEFITS - OTHER RULINGS (NOT INCLUDED ABOVE)

IT 89-315

12/28/89 Letter Ruling IT 89-100 pertaining to taxability of cost of group term life insurance forwarded.

INFORMATION REPORTS

IT 89-303

12/11/89 Questionnaire pertaining to information reports and withholding from retirement plans was forwarded.

IT 89-227

11/13/89 Discusses information reports required by the Illinois Income Tax Act.

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INTEREST ON REFUNDS AND DEFICIENCIES

IT 89-304 12/11/89 The interest rate on unpaid withholding taxes and underpayments of income tax for the period January 1, 1990 to June 30, 1990 will be 9%.

IT 89-249 10/06/89 Under the provision of IITA §909(a), the Department may credit the amount of any overpayment, including interest allowed thereon, against any liability in respect of income tax, regardless whether other collection remedies are barred. If there was a valid notification and assessment of tax, there would be a valid assessment of interest on the tax to which it relates. The interest would be considered as tax due.

IRC §338

IT 89-306 12/14/89 Discusses the Illinois consequences of a federal IRC §338(h)(10) election.

MILITARY

(Also See Subtraction Modifications)

IT 89-298 12/06/89 Summary sheets regarding filing requirements for military and retired military personnel forwarded.

MISCELLANEOUS

IT 89-281 11/15/89 Discusses constitutionality of Illinois Income Tax Act and consequences of failing to file Illinois income tax return and pay tax.

IT 89-257 10/12/89 Inquiry about the holidays observed by the State of Illinois.

IT 89-250 10/10/89 Copies of certain sections of the IITA, forms, and information in regard to corporate income tax rate forwarded to taxpayer.

NET INCOME (LOSS) AND NET LOSS DEDUCTION (IITA §207)

(Also See Base Income, Capital Gains (Losses), Combined Unitary Return, Net Operating Loss and Net Operating Loss Deduction, Unitary)

IT 89-308 12/18/89 Discusses carryforward of Illinois net losses and federal net operating losses.

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IT 89-288 11/27/89 Department recognizes net loss deduction of liquidated subsidiary prior to and subsequent to 12/31/86. In computing federal taxable income for a deduction arising prior to 12/31/86, or in calculation of Illinois net losses deductions subsequent thereto, IRC §382 special limitations are recognized.

IT 89-285 11/17/89 Department recognizes net loss deduction of liquidated subsidiary prior to and subsequent to 12/31/86. In computing federal taxable income for a deduction arising prior to 12/31/86, or in calculation of Illinois net losses deductions subsequent thereto, IRC §382 special limitations are recognized.

IT 89-282 11/16/89 Discusses net operating loss deductions of liquidated subsidiary prior to, and subsequent to 12/31/86. The deductions in each instance are recognized, subject to limitations of IRC §269 and IRC §382 (Special Limitations).

IT 89-273 11/08/89 Discusses Illinois income taxation of partnerships, S Corporations, and nonresident shareholders. Includes definitions, explains apportionment, Illinois NOL deductions, unitary relationship, composite returns.

NET OPERATING LOSS AND NET OPERATING LOSS DEDUCTION

IT 89-308 12/18/89 Discusses carryforward of Illinois net losses and federal net operating losses.

IT 89-288 11/27/89 Department recognizes net loss deduction of liquidated subsidiary prior to and subsequent to 12/31/86. In computing federal taxable income for a deduction arising prior to 12/31/86, or in calculation of Illinois net losses deductions subsequent thereto, IRC §382 special limitations are recognized.

IT 89-285 11/17/89 Department recognizes net loss deduction of liquidated subsidiary prior to and subsequent to 12/31/86. In computing federal taxable income for a deduction arising prior to 12/31/86, or in calculation of Illinois net losses deductions subsequent thereto, IRC §382 special limitations are recognized.

IT 89-282 11/16/89 Discusses net operating loss deductions of liquidated subsidiary prior to, and subsequent to 12/31/86. The deductions in each instance are recognized, subject to limitations of IRC §269 and IRC §382 (Special Limitations).

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PARTNERSHIPS

- IT 89-314** 12/31/89 The partnership income of a Fund which was a state governmental agency which provided retirement benefits to state employees, is not subject to Illinois income tax.
- IT 89-313** 12/20/89 A partnership, including a family farm partnership with base income or a net loss allocable to Illinois, is required to file a Form IL-1065 (Partnership Information and Replacement Tax Return), and Personal Property Tax Replacement Income Tax is required to be paid by the partnership.
- IT 89-305** 12/14/89 IITA §203(d) has provided for the computation of partnership base income. IITA §203(d)(2) requires the addback of certain amounts including §203(d)(2)(C) for guaranteed payments, and permits the deduction of certain amounts, including §203(d)(2)(H) for the greater of personal service income or a reasonable allowance for compensation paid or accrued for services rendered by partners to the partnership. The instructions provide that partners are not to take into account Lines 2c and 5c on Part I of Form IL-1065. These instructions treat partners the same way they were treated before the enactment of the replacement tax. It would be inappropriate to remove them.
- IT 89-300** 12/07/89 The effect of IITA §305(a) is to apportion the business income received from the Illinois partnership on a separate accounting basis, thus making a request for use of an alternative method of accounting pursuant to IITA §304(f) unnecessary.
- IT 89-297** 12/06/89 1988 Forms IL-1120-ST and IL-1065 and Instructions forwarded along with general information regarding tax rates.
- IT 89-296** 12/06/89 A partnership having base income or a net loss allocable to Illinois is required to file an IL-1065 (Partnership Information & Replacement Tax Return). If partnership's trading activity in securities generates capital gain income and such income is "business income" as defined in IITA §1501(a)(1), then the business income would be apportioned to Illinois under a three-factor apportionment formula. If the gain from the sale of securities was not "business income" then the capital gain would be allocated to Illinois if the partnership had its commercial domicile in Illinois.
- IT 89-273** 11/08/89 Discusses Illinois income taxation of partnerships, S Corporations and nonresident shareholders. Includes definitions, explains apportionment, Illinois NOL deductions, unitary relationship, composite returns.

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- IT 89-268** 10/31/89 The Partners (30 S-Corporations) of a partnership, each of which was 100 percent owned by an individual nonresident shareholder, were granted permission to file a composite return. The individual shareholders were denied permission to file a composite return since there was more than one S Corporation.
- IT 89-265** 10/20/89 Correction to Multistate Corporate Tax Almanac (1989 Edition). A partnership or S Corporation electing not to have the required taxable year are not required to make a state payment similar to those defined in IRC §7519.
- IT 89-254** 10/11/89 Discusses partnership's requirements to file income tax return and forms required.
- PAYMENTS**
(Also See Estimated Tax)
- IT 89-265** 10/20/89 Correction to Multistate Corporate Tax Almanac (1989 Edition). A partnership or S Corporation electing not to have the required taxable year are not required to make a state payment similar to those defined in IRC §7519.
- PENALTIES - FAILURE TO FILE (IITA §1001)**
- IT 89-248** 10/04/89 A taxpayer exercising ordinary care and prudence would have filed the Illinois return by the extended due date along with a statement that because of a recent federal decision, the computation of Illinois tax liability was incorrect and a "correct" return would be filed as soon as the federal return was amended. This action would have avoided a penalty for failure to file.
- PENALTIES - FAILURE TO PAY ESTIMATED TAX (IITA §804)**
- IT 89-292** 12/04/89 The instructions to the 1988 Form IL-1120 provided insufficient warning that the Department could capture an overpayment for 1988, requested by taxpayer to be applied to 1989 tax liability, and apply it to a 1988 IITA §804 penalty for 1988.
- IT 89-259** 10/13/89 Discusses method of annualizing income when previous year was a short taxable year in which credits were allowed. Imposition of a penalty was against equity and good conscience.

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PENALTIES - OTHER RULINGS (NOT INCLUDED ABOVE)

IT 89-281 11/15/89 Discusses constitutionality of Illinois Income Tax Act and consequences of failing to file Illinois income tax return and pay tax.

PENSIONS
(Also See Subtraction Modifications)

IT 89-314 12/21/89 The partnership income of a Fund which was a state governmental agency which provided retirement benefits to state employees, is not subject to Illinois income tax.

IT 89-303 12/11/89 Questionnaire pertaining to information reports and withholding from retirement plans was forwarded.

IT 89-294 12/05/89 Department forwarded questionnaire pertaining to Illinois income taxation of income from federal and state obligations, long-term capital gain distributions, and certain federally tax qualified retirement plans.

IT 89-291 12/04/89 Effective July 1, 1989, the Illinois income tax rate for individuals increased from 2.5% to 3%. This new 3% rate reverts to 2.5% for the period after June 30, 1991. [Public Act 86-18, ¶2] [IITA §201(b)(2)(3)(4)]. An individual may subtract amounts included in adjusted gross income as distributions from federally tax-qualified pension, employee benefit or retirement plans. IITA §203(a)(2)(E).

PUBLIC LAW 86-272/NEXUS

IT 89-302 12/08/89 Wisconsin corporation whose employees conduct land-caping activities in Illinois is subject to Illinois income tax. Business income of corporation is apportioned pursuant to three-factor formula of IITA §302. The corporate activity was not within the protection of P.L. 86-272.

IT 89-280 11/15/89 The Department has determined that the use of cars solely for the use of sales representative in soliciting orders would not by itself create nexus with Illinois. However, the salesman will carry samples which may be sold and also the salesman will collect accounts. This additional activity exceeds the "mere solicitation standard" and creates a nexus causing the imposition of an income tax and additional replacement income tax.

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IT 89-256 10/12/89 Out-of-state ("foreign") corporations whose only activity within Illinois consists of the mere solicitation of orders for items of tangible personal property, which orders are accepted or rejected outside of Illinois and, if accepted, are filled from inventories maintained outside Illinois by shipment or delivery from those inventories to the customer within Illinois, are not subject to Illinois income tax because of the application of Public Law 86-272. Activities of a corporation employee exceed the mere "solicitation" standard authorized by Public Law 86-272. These described activities establish a nexus in Illinois. This corporation was required to file a Corporation Income and Replacement Tax Return. Illinois Department of Revenue has no rule under which nexus is not recognized where the nexus creating contact was carried on for less than 30 days. All of the facts of each particular situation are examined to determine whether there is a nexus.

RATE OF TAX

IT 89-291 12/04/89 Effective July 1, 1989, the Illinois income tax rate for individuals increased from 2.5% to 3%. This new 3% rate reverts to 2.5% for the period after June 30, 1991. [Public Act 86-18, ¶2] [IITA §201(b)(2)(3)(4)]. An individual may subtract amounts included in adjusted gross income as distributions from federally tax-qualified pension, employee benefit or retirement plans. IITA §203(a)(2)(E).

IT 89-276 11/13/89 Discusses income tax rate for corporations. Withholding Tax Guide (Form IL-700) forwarded.

IT 89-275 11/09/89 Discusses income taxation of corporations, including rate of tax, and base income of corporations. Withholding tax guide (IL-700) forwarded along with Form IDR-341 (Tax Information Mailing List).

IT 89-253 10/11/89 Questionnaire in regard to base income, exemptions and Illinois income tax rates was forwarded.

REFUNDS - OTHER RULINGS (NOT INCLUDED ABOVE)
(Also See Subtraction Modifications)

IT 89-272 11/08/89 The IIT Regs. do not permit a protest and appeal from an offset on an IL-1120 (as opposed to a claim denied on an IL-1120X). In order to obtain an administrative hearing for an offset by the Department, the taxpayer should file a

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claim for refund of interest paid for 1980 using an IL-1120X. This claim for refund must be filed within one year of the Department's notice of offset. The taxpayer could protest any denial of its claim for refund and request a hearing IITA §910 (enclosed).

RETURNS - DUE DATES

(For Combined Unitary Return and Composite Return rulings, see those headings)

IT 89-252

10/10/89 Withholding tax returns postmarked on the due date are timely filed. If the due date falls on a Saturday, Sunday or holiday, withholding tax returns received the next business day are timely filed.

RETURNS - REQUIREMENTS TO FILE

(For Combined Unitary Return and Composite Return rulings, see those headings)

IT 89-298

12/06/89 Summary sheets regarding filing requirements for military and retired military personnel forwarded.

IT 89-254

10/11/89 Discusses partnership's requirements to file income tax return and forms required.

RETURNS - SHORT PERIOD RETURNS

(For Combined Unitary Return and Composite Return rulings, see those headings)

IT 89-255

10/11/89 Discusses filing requirement of Target which survived a merger and whose taxable year was not altered.

RETURNS - OTHER RULINGS (NOT INCLUDED ABOVE)

(For Combined Unitary Return and Composite Return rulings, see those headings)

IT 89-278

11/14/89 Explains method to request prompt determination of liability in the case of a return of a decedent or his estate.

S CORPORATIONS

IT 89-297

12/06/89 1988 Forms IL-1120-ST and IL-1065 and Instructions forwarded along with general information regarding tax rates.

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IT 89-273

11/08/89 Discusses Illinois income taxation of partnerships, S Corporations and nonresident shareholders. Includes definitions, explains apportionment, Illinois NOL deductions unitary relationship, composite returns.

IT 89-268

10/31/89 The Partners (30 S-Corporations) of a partnership, each of which was 100 percent owned by an individual nonresident shareholder, were granted permission to file a composite return. The individual shareholders were denied permission to file a composite return since there was more than one S Corporation.

IT 89-265

10/20/89 Correction to Multistate Corporate Tax Almanac (1989 Edition). A partnership or S Corporation electing not to have the required taxable year are not required to make a state payment similar to those defined in IRC §7519.

SALES OUTSIDE THE ORDINARY COURSE OF BUSINESS (BULK SALES)

IT 89-289

11/29/89 Based on facts presented various parcels of real estate were considered to be separate businesses. A sale or transfer of major part of each business constitutes a sale or transfer within meaning of IITA §902(d).

IT 89-279

11/15/89 Real estate not under lease and not used for business purposes is not subject to IITA §902(d).

IT 89-271

11/07/89 The Department takes the position that the term "business" as used in §902(d), generally encompasses any activity for which a taxpayer could claim a business expense deduction under IRC §162. A taxpayer who rents out even a single piece of property is normally considered to be engaged in a trade or business. Illinois Income Tax Act (IITA) §902(d) applies to a business which sells or transfers a "major part" of one or more of four enumerated asset categories; and A) stock of goods; B) furniture and fixtures; C) machinery and equipment; and D) real estate. The Department interprets the phrase "major part" to mean 50% or more of the value (exclusive of liens) of the total assets of any one of the four enumerated categories. The facts are not sufficient to enable the Department to issue the ruling requested.

IT 89-270

11/06/89 The Department has issued letter rulings which exempt certain transactions from the withholding requirement of IITA §902(d). Among those exempted transactions are judicial and non-judicial foreclosure sales. Letter

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Rulings IT89-218, IT88-259, IT87-215, and 86-90. The described transaction is exempt from the withholding requirement of IITA §902(d).

IT 89-245

10/02/89 IITA §902(d) applies to "any business that is subject to the provisions of [the Illinois Income Tax Act]". The Department considers a reasonable interpretation of the term "business" to be any "trade or business" under IRC 162 (the federal trade or business expense deduction provision).

SUBTRACTION MODIFICATIONS - INTEREST ON U.S. GOVERNMENT OBLIGATIONS

IT 89-310

12/19/89 Publication 101 contains a list of income that is exempt from Illinois income taxation. This list is intended to be exhaustive. Income from bonds or other obligations issued by the Illinois Health Facilities Authority is subject to Illinois income tax.

IT 89-309

12/18/89 Income from notes, bonds and debentures of the Federal Home Loan Mortgage Corporation (FHLMC) is not a direct obligation of the United States government, and such income is subject to Illinois income tax. The Federal Home Loan Mortgage Corporation itself is exempt from Illinois income tax.

IT 89-294

12/05/89 Department forwarded questionnaire pertaining to Illinois income taxation of income from federal and state obligations long-term capital gain distributions, and certain federally tax qualified retirement plans.

IT 89-286

11/20/89 Interest derived from Small Business Association (SBA) loans is a secondary, indirect or contingent governmental obligation which is not exempt from Illinois income taxation.

IT 89-269

11/03/89 Explains subtraction modification for U.S. Government interest for trust income on fiduciary return (Form IL-1041) and return of beneficiary.

IT 89-258

10/12/89 Accrued interest on STRIPS (Separate Trading of registered Interest and Principal of Securities) is not subject to Illinois income taxation. Also, the interest received on the zero coupon obligations of CATS (Certificates of Accrual on Treasury Securities) and TIGERS (Treasury Investment Growth Receipts Securities) qualifies as interest on U.S. government obligations and qualified for the subtraction modification.

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1989 FOURTH QUARTER SUNSHINE INDEX

SUBTRACTION MODIFICATIONS - QUALIFIED PENSION PLANS

IT 89-287

11/27/89 Section 203(a)(2)(E) of the IITA permits a subtraction for amounts included in an individual's adjusted gross income pursuant to §401(a) IRC. No withholding is required.

TAXABLE YEAR

IT 89-265

10/20/89 Correction to Multistate Corporate Tax Almanac (1989 Edition). A partnership or S Corporation electing not to have the required taxable year are not required to make a state payment similar to those defined to IRC §7519.

TRUSTS

IT 89-269

11/03/89 Explains subtraction modification for U.S. Government interest for trust income on fiduciary return (Form IL-1041) and return of beneficiary.

UNITARY

(Also See Combined Unitary Return)

IT 89-293

12/05/89 Explains Illinois income taxation of an insurance company, including holding company and a subsidiary company.

IT 89-273

11/08/89 Discusses Illinois income taxation of partnerships, S Corporations and nonresident shareholders. Includes definitions, explains apportionment, Illinois NOL deductions, unitary relationship, composite returns.

VOLUNTARY DISCLOSURE AGREEMENTS

IT 89-290

12/01/89 A Voluntary Disclosure is a notification to the Department by a taxpayer or his representative prior to the Department opening an audit or investigation file that the taxpayer has failed to file returns or has filed erroneous returns in the past.

WITHHOLDING - EMPLOYEE BENEFITS

IT 89-303

12/11/89 Questionnaire pertaining to information reports and withholding from retirement plans was forwarded.

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IT 89-287 11/27/89 Section 203(a)(2)(E) of the IITA permits a subtraction for amounts included in an individual's adjusted gross income pursuant to §401(a) IRC. No withholding is required.

WITHHOLDING - OTHER RULINGS (NOT INCLUDED ABOVE)

IT 89-311 12/19/89 Form IL-700 Booklet (Illinois Withholding Tax Guide and Tables) forwarded.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 29, 1990, through February 2, 1990, and have been scheduled for review by the Committee at its March 7, 1990 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its March meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
3/15/90	Department of Public Health/ Health Facilities Planning Board, Practice and Procedures in Reconsideration Hearings, Repeal of (77 Ill. Adm. Code 1220)	10/27/89 13 Ill. Reg. 16714	March 7, 1990
3/15/90	Department of Public Health/ Health Facilities Planning Board, Financial and Economic Feasibility Review and Evaluation Plan (77 Ill. Adm. Code 1230)	10/27/89 13 Ill. Reg. 16708	March 7, 1990
3/15/90	Department of Public Health/ Health Facilities Planning Board, Processing and Application for Permit and Validity of Permits, Repeal of (77 Ill. Adm. Code 1160)	11/13/89 13 Ill. Reg. 17280	March 7, 1990
3/15/90	Department of Public Health/ Health Facilities Planning Board, Financial and Economic Feasibility Review and Evaluation Plan (For All Long-Term Care and Chronic Disease Facilities) (77 Ill. Adm. Code 1240)	10/27/89 13 Ill. Reg. 16703	March 7, 1990
3/15/90	Department of Public Health/ Health Facilities Planning Board, Permit Application Fees (77 Ill. Adm. Code 1190)	11/3/89 13 Ill. Reg. 16917	March 7, 1990

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(page 2)

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
3/15/90	Department of Commerce and Community Affairs, Industrial Training Program (56 Ill. Adm. Code 2650)	10/13/89 13 Ill. Reg. 15977	March 7, 1990
3/16/90	Department of Corrections, Rights and Privileges (20 Ill. Adm. Code 525)	11/27/89 13 Ill. Reg. 18052	March 7, 1990
3/19/90	Department of Insurance, Rules and Rate Filings (50 Ill. Adm. Code 754)	12/8/89 13 Ill. Reg. 19013	March 7, 1990
3/19/90	Department of Rehabilitation Services, Medical, Psycho- logical, and Related Services (89 Ill. Adm. Code 587)	10/27/89 13 Ill. Reg. 16719	March 7, 1990

PROCLAMATION

90-022

AFRICAN-AMERICAN HISTORY MONTH (REVISED)

WHEREAS, observance of African-American History Month was initiated in 1926 by Carter G. Woodson, who is known as the "Father of African-American History"; and

WHEREAS, African-American History Month pays respect to the heritage of African-American people, and promotes increased respect for law and order and a greater understanding of the functioning of religious institutions; and

WHEREAS, the theme of this year's observance is "The Father of Black History: Carter G. Woodson, A Living Legacy"; and

WHEREAS, the observance of African-American History Month across America during February 1990 will provide an opportunity to assess the progress that has been made in the United States in leadership activities among African-Americans;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim February 1990 as AFRICAN-AMERICAN HISTORY MONTH in the State of Illinois and urge Illinoisans to pay tribute to the heritage of African-American people.

PROCLAMATION
90-028
CONSUMERS WEEK

WHEREAS, citizens make daily decisions in an increasingly complex financial environment, making consumer information and education vital; and

WHEREAS, we live in the most prosperous nation in the world with an unequalled availability of goods and services, where an effective and efficient system of commerce depends on an informed and educated public; and

WHEREAS, through cooperation among consumers, business, and government, we can provide educational opportunities to improve consumer skills and awareness;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 22-28, 1990, as CONSUMERS WEEK in Illinois, and I encourage the development of programs and information to make consumer and economic education readily available to all.

Issued January 26, 1990. Filed February 5, 1990.

PROCLAMATION
90-029
AMERICAN BALLET THEATRE WEEK

WHEREAS, the American Ballet Theatre was formed in January 1940 by Lucia Chase and her colleagues. Since that time, the American Ballet Theatre has been delighting audiences with performances from some of the world's finest dancers; and

WHEREAS, in 1960 the American Ballet Theatre was the first American dance company to tour the Soviet Union; and

WHEREAS, the City of Chicago has been instrumental in the continued existence of the American Ballet Theatre by offering support during times both good and bad; and

WHEREAS, the American Ballet Theatre will celebrate its 50th anniversary during its Chicago engagement at the Civic Opera House February 6-17, 1990;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim February 6-17, 1990, as AMERICAN BALLET THEATRE WEEK in Illinois.

Issued January 30, 1990. Filed February 5, 1990.

ILLINOIS REGISTER

PROCLAMATION
90-030
BLACK NURSES' DAY

WHEREAS, black nurses from all areas of the nursing profession seek to continue their commitment and dedication of service to this highly respected profession; and

WHEREAS, black nurses directly and indirectly influence the health care of people in Illinois, the United States, and around the world; and

WHEREAS, since the inception of the National Black Nurses' Association, Inc., in Akron, Ohio, in 1971, members have adhered to the philosophy of "Excellence of Service"; and

WHEREAS, the National Black Nurses' Association, Inc. continues to perpetuate a public awareness of the outstanding contributions made by black nurses in the nursing profession and to the health care industry;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim February 2, 1990, as BLACK NURSES' DAY in Illinois, and I wish the National Black Nurses' Association, Inc. success in all of its endeavors.

Issued January 30, 1990. Filed February 5, 1990.

ILLINOIS REGISTER

PROCLAMATION
90-031
ILLINOIS SCHOOL PSYCHOLOGISTS ASSOCIATION WEEK

WHEREAS, for more than 40 years, Illinois has been recognized as a leader in providing school programs and services for children with physical, mental, emotional, or educational problems; and

WHEREAS, Illinois school psychologists have demonstrated their concern for children's rights to free and appropriate public education tailored to their individual capabilities; and

WHEREAS, the school psychology profession and the Illinois School Psychologists Association have dedicated their efforts to serving the mental health and educational needs of all children;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim February 4-10, 1990, as ILLINOIS SCHOOL PSYCHOLOGISTS ASSOCIATION WEEK in Illinois and commend the school psychology professionals on their dedication to the health and well-being of students.

Issued January 30, 1990. Filed February 5, 1990.

PROCLAMATION
90-032

POST ANESTHESIA NURSE AWARENESS WEEK

WHEREAS, post anesthesia care nursing has achieved the status of a respected nursing care specialty and is recognized by a number of professional nursing organizations; and

WHEREAS, in 1977, the Illinois Society of Post Anesthesia Nurses, then known as the Illinois Society of Recovery Room Nurses, built a solid foundation for an organization dedicated to education and professional growth. The Society continues to be committed to maintaining and upgrading the standards of this critical care nursing specialty; and

WHEREAS, the Illinois Society of Post Anesthesia Nurses encourages its members to be informed and actively involved in legislative and regulatory issues which affect their specialty care area, their patients, and their communities; and

WHEREAS, the American Society of Post Anesthesia Nurses has designated February 5-11, 1990, as the fourth annual Post Anesthesia Nurse Awareness Week to honor its more than 6,250 members and all other post anesthesia nurses, nationally and internationally;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim February 5-11, 1990, as POST ANESTHESIA NURSE AWARENESS WEEK in Illinois to highlight the unique role of post anesthesia care nurses in the health care profession.

Issued January 30, 1990. Filed February 5, 1990.

PROCLAMATION
90-033

ILLINOIS COMMUNITY COLLEGE SYSTEM/25TH ANNIVERSARY

WHEREAS, Illinois community colleges have contributed greatly to the educational, economic, and social well-being of the State; and

WHEREAS, community colleges provide a local connection to baccalaureate transfer programs, continuing education, technical and vocational training, and a variety of public service programs; and

WHEREAS, the evolution of the scope and mission of the community college system has put community colleges in the forefront in cooperating with business and industry, other educational institutions, and state and local government; and

WHEREAS, the Illinois community college system was established in 1965 with the passage of the Illinois Public Community College Act;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim 1990 as the 25TH ANNIVERSARY OF THE ILLINOIS COMMUNITY COLLEGE SYSTEM in Illinois. I urge all citizens to join me in commending the community colleges for their achievements and contributions to our state and in wishing for their continued success in the future.

Issued January 31, 1990. Filed February 5, 1990.

PROCLAMATION
90-034
MINORITY EDUCATION DAY

WHEREAS, more than a decade ago, the Illinois Board of Higher Education and the University of Illinois at Chicago made a commitment to improve the representation of minorities in health professions through creation of the Urban Health Program; and

WHEREAS, a visible and essential component of the Urban Health Program is the annual Minority Urban Higher Education Forum. The forum brings together local, state, and national leaders to re-examine, reaffirm, and renew commitments to the principles and practices represented by the Urban Health Program; and

WHEREAS, we are entering a challenging period where leadership, governance, investment, and partnerships are critical educational issues, and where local and national support systems are essential to ensuring accessibility and opportunity for the minority students;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim February 9, 1990, as MINORITY EDUCATION DAY in Illinois and give special recognition to the University of Illinois at Chicago for its outstanding efforts demonstrated through the Urban Health Program.

Issued January 31, 1990. Filed February 5, 1990.

PROCLAMATION
90-035
MOTORCYCLE AWARENESS MONTH

WHEREAS, Illinois is proud to be a national leader in motorcycling education and safety; and

WHEREAS, the Illinois Department of Transportation has been conducting the influential Illinois Cycle Rider Safety Training Program since 1976; and

WHEREAS, the program is supported by state motorcycle registration fees and has been responsible for training more than 80,000 Illinois cyclists; and

WHEREAS, in 1987, the Illinois Cycle Rider Safety Training Program was awarded the Motorcycle Safety Foundation's National Award for the fifth time, designating Illinois as the leading state in promoting motorcycle safety activities;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 1990 as MOTORCYCLE AWARENESS MONTH in Illinois, in recognition of the Illinois Cycle Rider Safety Training Program and the continuing leadership role that our state will occupy in motorcycle safety.

Issued January 31, 1990. Filed February 5, 1990.

PROCLAMATION
90-036
UIC MONTH

WHEREAS, in February 1965, the Chicago Undergraduate Division of the University of Illinois relocated to the newly constructed Chicago Circle Campus and broadened in scope; and

WHEREAS, another milestone was reached in 1982 when the arts, sciences, and professions of Chicago Circle were combined with the long-established health science program of the Medical Center Campus under a new banner, that of the University of Illinois at Chicago (UIC); and

WHEREAS, through the years, the UIC's vast array of instructional programs and research efforts have flourished and developed into degree-granting entities at the undergraduate and graduate levels;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim February 1990 as UIC MONTH in Illinois, in recognition of the historic and constantly growing educational functions and public services of the University of Illinois at Chicago.

Issued January 31, 1990. Filed February 5, 1990.

PROCLAMATION
90-037
WOMEN'S HISTORY MONTH

WHEREAS, American women of every race, creed, and ethnic background have participated in building our nation in countless recorded and unrecorded ways; and

WHEREAS, American women continue to contribute to the economic growth of the nation through their increasing business ownership and participation in the labor force; and

WHEREAS, American women have lent their talents and skills throughout history to enrich community and family life and to establish charitable, philanthropic, and cultural institutions; and

WHEREAS, American women from all backgrounds have been leaders of major progressive economic and social change movements to secure their own rights of suffrage and equal opportunity, as well as the rights of others; and

WHEREAS, it is important to remember the contributions women have made in literature, the arts, and the nation's history;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim March 1990 as WOMEN'S HISTORY MONTH in Illinois, and I urge all citizens to honor the observance by participating in appropriate ceremonies and activities.

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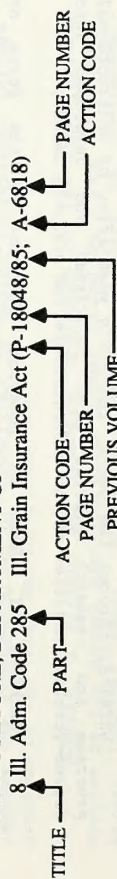
ACTION CODES

ICAR - Joint Committee on Administrative Rules

- A - Adopted Rule
- AR - Adopted Repealer
- C - Notice of Corrections
- CC - Codification Changes
- E - Emergency Rule
- ER - Emergency Repealer
- M - Modification to meet ICAR objections
- O - ICAR Statement of Objections
- P - Proposed Rule
- PF - Prohibited Filing Ordered by ICAR
- PP - Peremptory or Court ordered Rules
- PR - Proposed Repealer
- R - Refusal to meet ICAR objection
- RC - Statement of Recommendation
- S - Suspension ordered by ICAR
- W - Withdrawal to meet ICAR objections

EXAMPLE:

AGRICULTURE, DEPARTMENT OF



ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (312) 782-9786.

AGING, DEPARTMENT ON

- 89 Ill. Adm. Code 240 Community Care Program (P-1077) (P-13638/89; O-17144/89; R-1533) (P-13353/89; A-1233)
- 89 Ill. Adm. Code 230 Older Americans Act Programs (P-14499/89; A-2308)

AGRICULTURE, DEPARTMENT OF

- 8 Ill. Adm. Code 110 Animal Diagnostic Laboratory Act (P-15911/89; A-1907)
- 8 Ill. Adm. Code 75 Bovine Brucellosis (P-15915/89; A-1911)
- 8 Ill. Adm. Code 85 Diseased Animals (P-15926/89; A-1919)
- 8 Ill. Adm. Code 80 Ill. Bovine Tuberculosis Eradication Act (P-15938/89; A-1931)
- 8 Ill. Adm. Code 115 Ill. Pseudorabies Control Act (P-15942/89; A-1935)
- 8 Ill. Adm. Code 40 Livestock Auction Markets (P-15950/89; A-1943)
- 8 Ill. Adm. Code 45 Marketing Center (Livestock) (P-15956/89; A-1949)
- 2 Ill. Adm. Code 700 Organizational Chart, Description, Rulemaking Procedure, & Programs (A-584)
- 8 Ill. Adm. Code 100 Swine Brucellosis (P-15960/89; A-1953)
- 8 Ill. Adm. Code 105 Swine Disease Control & Eradication Act (P-15968/89; A-1961)

AUDITOR GENERAL

- 74 Ill. Adm. Code 420 Code of Regulations (P-1541)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

- 80 Ill. Adm. Code 310 Pay Plan (P-427) (P-15141/89; A-615) (PP-1627)
- 80 Ill. Adm. Code 3000 The Travel Regulation Council (P-1548)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

- 89 Ill. Adm. Code 410 Licensing Standards for Youth Emergency Shelters (P-439) (E-999)
- 89 Ill. Adm. Code 300 Reports of Child Abuse & Neglect (P-20159/89; C-2684)
- 89 Ill. Adm. Code 302 Services Delivered by the Dept. (P-1) (P-2205)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

- 14 Ill. Adm. Code 525 Economic Development Area Tax Increment Allocation Financing (P-13356/89; A-1968)
- 56 Ill. Adm. Code 2610 Training Services for the Disadvantaged (P-5017/89; A-1976)

COMMERCE COMMISSION, ILLINOIS

- 83 Ill. Adm. Code 900 Joint Rules of the Ill. Commerce Commission & the Dept. of Energy & Natural Resources: Residential Conservation Plan (PR-12680/89; AR-624)
- 83 Ill. Adm. Code 445 Purchase & Sale of Electric Energy from Qualified Solid Waste Energy Facilities (P-13129/89; A-626)
- 83 Ill. Adm. Code 505 Uniform System of Accounts for Gas Utilities (P-13361/89; A-1605)
- 83 Ill. Adm. Code 710 Uniform System of Accounts for Telecommunications Carriers (P-1552)

COMMUNITY COLLEGE BOARD, ILLINOIS

- 23 Ill. Adm. Code 1501 Administration of the Public Community College Act (P-14) (E-299)

COMPTROLLER

- 2 Ill. Adm. Code 625 Access to Information (A-186)

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- 17 Ill. Adm. Code 590 Duck, Goose & Coot Hunting (P-15509/89; A-638)
- 17 Ill. Adm. Code 3040 Ill. Bicycle Path Grant Program (P-442)
- 17 Ill. Adm. Code 1050 Ill. List of Endangered & Threatened Flora (P-455)
- 17 Ill. Adm. Code 3030 Land & Water Conservation Fund Grant Program (P-478)
- 17 Ill. Adm. Code 210 Rental of Boats & Boating Facilities (P-16892/89; A-2013)
- 17 Ill. Adm. Code 810 Sport Fishing Regs. for the Waters of Ill. (P-491) (P-2419)
- 17 Ill. Adm. Code 710 Taking of Wild Turkeys - Spring Season, The (P-15534/89; A-663)

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- 23 Ill. Adm. Code 1025 Engineering Grant Program (P-14516/89; A-2015)
- 23 Ill. Adm. Code 1020 Health Services Education Grants Act (P-14521/89; A-2020)
- 23 Ill. Adm. Code 1000 Ill. Financial Assistance Act for Nonpublic Institutions of Higher Learning (P-14531/89; A-2030)

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- 23 Ill. Adm. Code 25 Certification (P-8756/89; A-1243)
- 23 Ill. Adm. Code 253 Comprehensive Health Education (P-1645)
- 23 Ill. Adm. Code 210 Learning Assessment & School Improvement Plans (P-8766/89; O-18943/89; R-1534; A-1254)
- 23 Ill. Adm. Code 1 Public Schools Evaluation, Recognition & Supervision (P-1650)

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- 23 Ill. Adm. Code 2400 Ill. Consortium for Educational Opportunity Program (P-1703)

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- 56 Ill. Adm. Code 2770 Determination of Unemployment Contributions (P-15543/89; A-2038)
- 56 Ill. Adm. Code 2732 Employment (P-12748/89; O-20398/89; R-1049; A-673)
- 56 Ill. Adm. Code 2830 Payment of Benefits (P-2423)
- 56 Ill. Adm. Code 2765 Payment of Unemployment Contributions, Interest & Penalties (P-1101)

ENERGY AND NATURAL RESOURCES, DEPARTMENT OF

- 83 Ill. Adm. Code 1000 Joint Rules of the Ill. Commerce Commission & the Dept. of Energy & Natural Resources: Residential Conservation Plan (PR-12756/89; AR-681)